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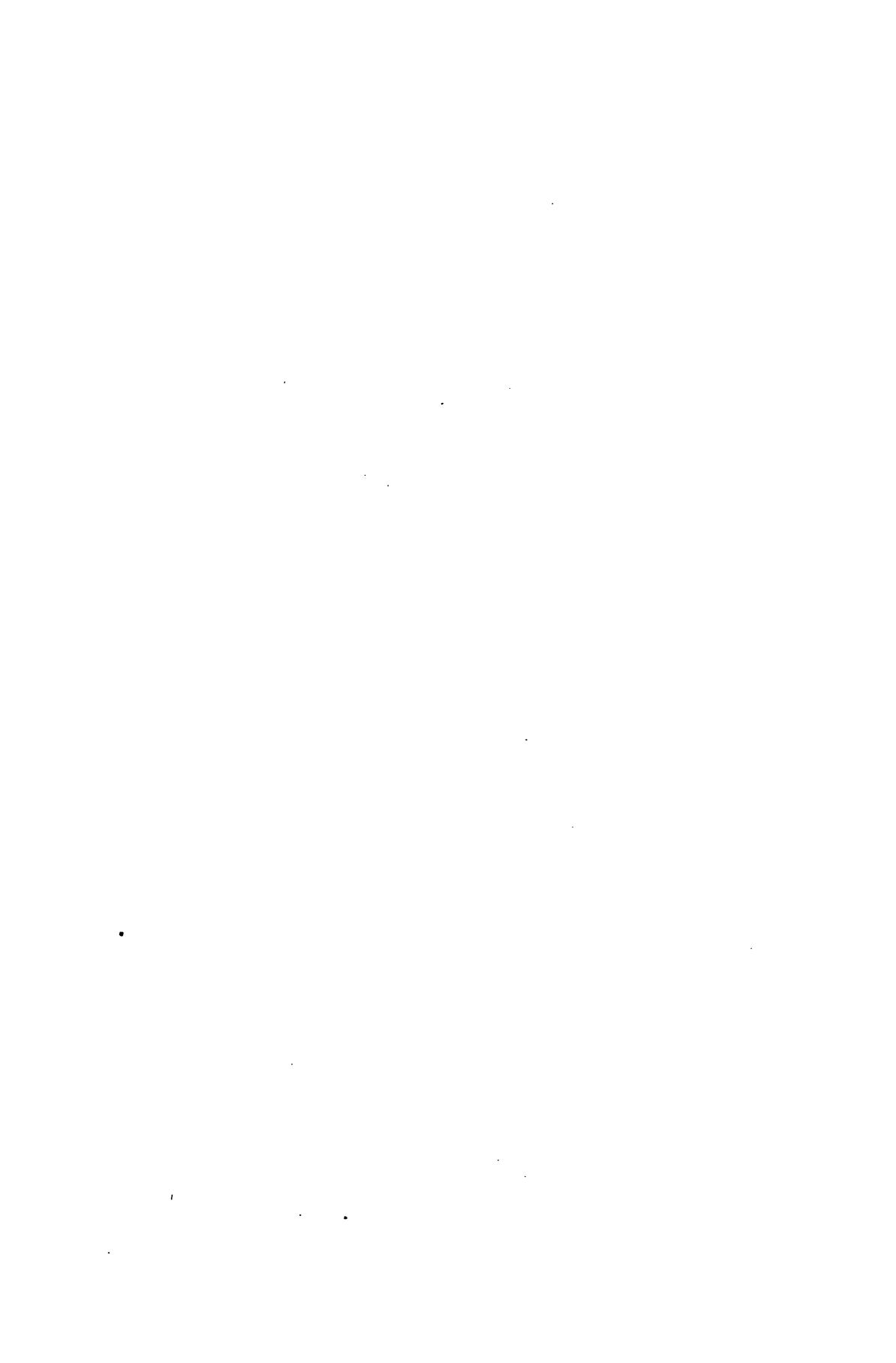
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THE
SELECT
ANTI-PATRONAGE LIBRARY:
CONSISTING
CHIEFLY OF REPRINTS OF SCARCE PAMPHLETS
CONNECTED WITH
LAY-PATRONAGE IN THE CHURCH OF
SCOTLAND.

"The order whilk God's Word craves cannot stand with patronages and presentations to
benefices."—*Second Book of Discipline*.

EDINBURGH :
JOHN JOHNSTONE, HUNTER SQUARE.

MDCCXLII.

1276.



Edinburgh : Printed by JOHN JOHNSTONE, High Street.

P R E F A C E.

CHURCH PATRONAGE has been the subject of more or less eager discussion in Scotland for nearly three hundred years. It is the only corruption which the enemies of truth have succeeded in engraving, by the force of civil law, upon our simple scriptural Establishment for any lengthened period, and it has been productive of countless evils; but now that a spirit of vigorous inquiry is awakened, and that the country is set free from political vassalage, it seems destined speedily to fall before the march of truth and spiritual freedom. Any thing short of the total abolition of Patronage, and the restoration to the Christian people of Scotland of unfettered liberty in selecting pastors, will, we believe, afford only—if indeed it does so much—a temporary lull of the present storm. Achon must be thrust out of the camp of Israel altogether—the root of bitterness must be thrown out of the vineyard—Jonah must be cast into the sea, and then, and then only, there will be a calm.

The Volume of Tracts now presented to the reader, will be found an armoury of weapons on this question. A man who will only make himself thoroughly master of its contents, need not fear the face of any adversary, whether Lawyer, Historian, or Divine. The whole range of the subject is here discussed within very limited bounds, and in a distinct practical manner.

The *first* Tract contains a series of Acts of Parliament and of the General Assembly in regard to Patronage, bringing together, in one short view, the scattered documents of nearly three centuries, and proving an uniform and more or less sustained

struggle for the rights of the Christian people, on the part of the Church of Scotland, from the Reformation till the present day. This Tract will sufficiently confute the hardihood of such as would gravely represent Patronage as consistent with the principles of our Presbyterian Establishment, instead of being, as it is, a remnant of Popery and the dark ages.

The *second* Tract, by the celebrated Dr Owen, justly called, in some respects, “the Prince of Theologians,” goes higher in the investigation, and tests the claims of Patrons by the infallible standard of Divine truth. It proves that Patronage has not a vestige of foundation in the Word of God, but is diametrically opposed to the mode of appointing ministers pointed out in the New Testament, and sanctioned by the example of the Apostolic Church.

The *third*, by the venerable Dr Doddridge, in answer to the cavils of certain *Moderates* who had sprung up amongst the English Independents of his day, brings the question with great calmness and masterly sense to the test of enlightened reason and practical utility. He proves most convincingly, that an orator, whatever be his subject, to whom men will not listen, may as well not speak,—that the common people love the Gospel, and that cold, dry, unacceptable preaching is, and has been, in all ages, the greatest curse of the Christian Church. In a word, he illustrates very strikingly the sagacious maxim of Dr Witherspoon, viz., “A minister can do little good if his people don’t like him, and no good at all if his people won’t hear him.” Surely we may, with some confidence, set such names as those of Owen and Doddridge, men the praise of whose piety “is in all the Churches,” against those of certain modern sanctimonious defenders of abuses in the Church upon pretended “Bible principles.”

Our readers are aware, however, that the defence of Patronage in Scotland does not rest merely on abstract principles, but on a certain specific enactment—the Act of Queen Anne (1711) restoring Church Patronage in this country, after it had been swept away, as our ancestors thought finally, by the Revolution Settlement (1690). That the Act of Queen Anne is the true origin of the present dispute between the Civil and

Ecclesiastical Courts, and of the recent violent settlements, is clear from the words of the decision in the case of Auchterarder, wherein the Lords “find that the said Presbytery have acted * * * contrary to the provisions of certain statutes libelled on, and IN PARTICULAR, CONTRARY TO THE PROVISIONS OF THE STATUTE 10TH ANNE, CHAP. 12, entitled ‘An Act to restore Patrons to their ancient rights of presenting Ministers to the Churches vacant in that part of Great Britain called Scotland.’” We have, therefore, furnished our readers with clear and full information in regard to the nature and history of this nefarious and illegal statute (which will be found amongst the Acts in the first Tract), a statute branded with every mark of infamy, passed by the worst of men for the worst of purposes, and in the most nefarious way, and destitute of any force or authority whatever, as being flagrantly a violation of the Treaty of Union betwixt England and Scotland. All this is clearly proved in the *fourth, fifth, and sixth Tracts.*

The *fourth* was written, as will be seen by its date and title, during the continuance of the Act 1690, nine years before the passing of Queen Anne’s Act, and by a distinguished member of the Seafield family. It sets forth, with great terseness and power, not only the legal rights of the people of Scotland in the choice of ministers, as secured by the Revolution Settlement, but the infinite value of such rights as primarily founded on the Word of God, and bearing upon the eternal destinies of man. The *fifth*, by Mr Begg of Liberton, contains an account of the actual history of the passing of Queen Anne’s Act, the motives which led to it, and a variety of other interesting contemporaneous facts never before collected in a consecutive form, but essential to be known to a proper understanding of the authority of Queen Anne’s Act under the constitution of the United Kingdom. The same Tract, in a more enlarged form, appeared in the volume of Non-Intrusion Lectures. It is now accompanied by a list of the Patrons of Scotland, with a statement of the number of Patronages claimed by each. The reader will see from this list, the precise number of persons whose imagined rights are ranged against those of the entire Scottish people, whilst even these patrons are not all in favour of Patronage in any

form, and several of the largest are decidedly in favour of a strong popular check upon it.

The *sixth* is by Sir David Dalrymple, an able member of the Scotch Parliament at the time of the Union, and also a member of the English Parliament at the time of the passing of Queen Anne's Bill. It contains a very distinct and able view of the legal argument against that Bill, as a deliberate and notorious violation of the Treaty of Union, and therefore, in so far, a subversion of the constitution of the kingdom. No authority can be more valuable, in regard to such a question, than that of such a distinguished eye and ear witness.

The rights of patrons only began to be enforced, however, with vigour, about twenty years after 1711. This, added to the secession from the Church on this and other grounds, which arose immediately after, gave rise to much controversy on the subject of Patronage. The *seventh* and *eighth* Tracts of this series were written at that time, the first by a son of Lord Cullen, and also himself afterwards a judge under the title of Lord Prestonrange, and containing a very calm argument against Patronage, by one who was evidently no "wild man," an argument well fitted to convince candid inquirers; the second by the celebrated Rev. John Currie of Kinglassie, containing a most powerful, learned, and elaborate defence of the right of the Christian people to elect their own ministers, and a refutation of such objections as were, and still are, urged against that right. As this Tract is accompanied with a copious index of contents, it is unnecessary to refer to it more minutely here, except to say, that it seems completely to exhaust the question, and the experience of a century seems to warrant us in pronouncing it unanswerable.

During the discussions then and subsequently carried on in regard to this subject, many able and distinguished men stood forth in defence of the rights of the people of Scotland against the usurpations of patrons under the illegal Statute of Queen Anne. Amongst these may be mentioned the celebrated Dr Francis Hutchison of Glasgow, Lord Dreghorn, Dr Hardy, who, although a leader of the Moderates, frankly admitted that the Act of Queen Anne was the master evil which had produced

inconceivable mischief and confusion amongst the Presbyterians of Scotland ; Andrew Crosbie, one of the most acute and celebrated lawyers of his time ; the learned and able Dr M'Crie, and many more. Of these Tracts, we have only at present republished that of Crosbie, the *ninth* of this series, which will be found written with great spirit and power, and well entitled to a careful perusal.

Dr M'Crie's masterly tract was lately reprinted in his “Miscellaneous Writings,” and others may afterward appear if it be thought necessary.

ARRANGEMENT OF THE TRACTS.

IT will be observed, that we have spoken of the following Tracts not in the order in which they were republished, but more properly in the order of their historical and argumentative sequence. It would have been better had they been reprinted in the latter order at first, but the unavoidable delay which took place in procuring some of the more scarce Pamphlets prevented this from being done. For the guidance of those who took out the Work in separate Numbers, and who may wish now to bind them, we subjoin the following as the proper arrangement :—

1. The Acts of Parliament and Assembly.
2. Dr Owen's Rights of Individual Congregations.
3. Dr Doddridge on the Opinions of the Christian People.
4. Sir Francis Grant's Defence of the Standing Laws (1703.)
5. Rev. James Begg's History of the Act of Queen Anne, 1711.
6. Sir David Dalrymple's Account of Lay-Patronages (1711.)
7. Lord Prestongrange's Remarks (1736.)
8. Rev. John Currie's *Jus Populi Divinum* (1740.)
9. Andrew Crosbie's Thoughts concerning Patronage and Presentations (1769.)

Select Anti-Patronage Library.

A COLLECTION

OF

IMPORTANT ACTS OF PARLIAMENT AND
ASSEMBLY,

CONNECTED WITH

PATRONAGE,

AND THE

RIGHT OF THE CHRISTIAN PEOPLE OF SCOTLAND
TO CHOOSE THEIR OWN MINISTERS,

BEGINNING WITH

THE REFORMATION, AND CONTINUED TILL THE
PRESENT TIME.

EDINBURGH :
JOHN JOHNSTONE, HUNTER SQUARE.

MDCCCLXI.

No. I.

NOTE.—The most important documents connected with the past struggles of the Church of Scotland against Patronage, at present scattered through scarce and bulky volumes, are here placed in a short and consecutive form before the public. This will save much trouble to all, and especially to those who have occasion to expound this agitated and important question. The old spelling is in a few instances changed, to make the meaning intelligible to the general reader.

A COLLECTION OF IMPORTANT ACTS, &c.

THE JUDGMENT OF THE CHURCH OF SCOTLAND CONCERNING PATRONAGES.

FIRST BOOK OF DISCIPLINE,

Drawn up by John Knox and others, immediately after the Reformation 1560.

“ It appertaineth to the people, and to every several congregation, to elect their minister.”—*First Book of Discipline, Fourth Head, Chap. iv. Sec. 2.*

“ For altogether this is to be avoided, that any man be violently intruded or thrust in upon any congregation; but this liberty with all care must be reserved to every several church, to have their votes and suffrages in election of their ministers.”—*Ibid. Sec. 4.*

“ The admission of ministers to their offices must consist in (the) consent of the people and church whereto they shall be appointed, and approbation of the learned ministers appointed for their examination.”—*Ibid. Chap. iv. Sec. 8.*

SECOND BOOK OF DISCIPLINE,

Drawn up by Andrew Melville and others, and approved of by the Church of Scotland as one of her standards, 1581.

“ This ordinary and outward calling has two parts—election, and ordination. Election is the choosing out of a person or persons, most able for the office that vaikes, by the judgment of the eldership, and consent of the congregation to whom the person or persons are appointed. * * * * In this ordinary election it is to be eschewed that any person be intruded into any

of the offices of the kirk contrary to the will of the congregation to which they are appointed, or without the voice of the eldership."—*Second Book of Discipline, Chap. iii. Sec. 4, 5.*

"The liberty of the election of persons called to the ecclesiastical functions, and observed without interruption, so long as the kirk was not corrupted by antichrist, we desire to be restored and retained within this realm: so that none be intruded upon any congregation, either by the prince, or any inferior person, without lawful election, and the assent of the people over whom the person is placed,—as the practice of the apostolic and primitive kirk, and good order crave.

"And because this order, which God's word craves, cannot stand with patronages and presentations to benefices used in the Pope's kirk, we desire all them that truly fear God, earnestly to consider, that forasmuch as the names of patronages and benefices, together with the effect thereof, have flowed from the Pope, and corruption of the canon law only, in so far as thereby any person was intruded or placed over kirks, having *curam animarum*: and forasmuch as that manner of proceeding hath no ground in the word of God, but is contrary to the same, and to the said liberty of election, they ought not now to have place in this light of reformation; and therefore, whosoever will embrace God's word, and desire the kingdom of his son, Christ Jesus, to be advanced, they will also embrace that policy and order, which the word of God, and upright estate of this kirk, crave; otherwise it is in vain that they have professed the same."—*Ibid. Chap. xii. pars. 9, 10.*

Still the patrons who, after the Reformation, had first seized the property of the Church, and then her liberties, continued, as far as possible, to maintain their power,—from which many evils flowed, as appears from the records of the

GENERAL ASSEMBLY 1596.

Extract from "the tenor of the advice of the brethren depute for penning the corruptions and enormities in the Ministry, and remead thereof allowed by the General Assembly here convened, 1596." Quoted by the Assembly 1638.

Corruptions in the Office.

* * * * *

Thirdly, Because, by presentations, many forcibly are thrust into the ministry, and upon congregations, that utter thereafter

that they were not called by God, it would be provided that none seek presentations to benefices without advice of the presbytery within the bounds whereof the benefice lies, and if any do in the contrary, they to be repelled as *rei ambitus*.

After 1596, the Presbyterian Church was gradually corrupted, and Prelacy, accompanied by an arbitrary and unmitigated patronage, introduced ; a state of matters which was only overturned when the purity of the Presbyterian Church was again restored by the General Assembly 1638.

SECOND REFORMATION.

Act of the celebrated Assembly at Glasgow, 1638,
of which Alexander Henderson was Moderator,
“Anent the presenting either of pastors or readers
and schoolmasters to particular Congregations.”

That there be respect had to the congregation, and *that no person be intruded in any office of the kirk contrary to the will of the congregation* to which they are appointed. The Assembly alloweth this article.

It is remarkable that the Covenanters at this Assembly only declared what has since been called the principle of “non-intrusion.” It was not till *eleven* years afterwards that patronage was totally abolished by the following Act of Parliament :—

THE JUDGMENT OF THE KINGDOM OF SCOTLAND CONCERNING PATRONAGES.

Act of Parliament abolishing the Patronage of Kirks,
at Edinburgh, March 9, 1649.

The estates of Parliament being sensible of the great obligation that lies upon them by the National Covenant, and by the Solemn League and Covenant, and by many deliverances and mercies from God, and by the late Solemn Engagement unto Duties, to preserve the doctrine, and maintain and vindicate the liberties of the Kirk of Scotland, and to advance the work of reformation therein to the utmost of their power ; and, considering that patronages and presentations of kirks is an evil and bondage, under which the Lord’s people and ministers of this land have long groaned ; and that it hath no warrant in God’s word, but is founded only on the canon law, and is a custom

popish, and brought into the kirk in time of ignorance and superstition ; and that the same is contrary to the Second Book of Discipline, in which, upon solid and good ground, it is reckoned amongst abuses that are desired to be reformed, and unto several acts of General Assemblies ; and that it is prejudicial to the liberty of the people, and planting of kirks, and unto the free calling and entry of ministers unto their charge : and the said estates, being willing and desirous to promote and advance the reformation foresaid, that every thing in the house of God may be ordered according to his word and commandment, do therefore, from the sense of the former obligations, and upon the former grounds and reasons, discharge for ever hereafter all patronages and presentations of kirks, whether belonging to the king, or to any laick patron, presbyteries, or others within this kingdom, as being unlawful and unwarrantable by God's word, and contrary to the doctrine and liberties of this kirk ; and do repeal, rescind, make void, and annul all gifts and rights granted thereanent, and all former acts made in Parliament, or in any inferior judicatory, in favours of any patron or patrons whatsoever, so far as the same doth or may relate unto the presentation of kirks : and do statute and ordain, that no person or persons whatsoever shall, at any time hereafter, take upon them, under pretext of any title, infestment, act of Parliament, possession or warrant whatsoever, which are hereby repealed, to give, subscribe, or seal any presentation to any kirk within this kingdom ; and discharges the passing of any infestments hereafter, bearing a right to patronages, to be granted in favours of those for whom the infestments are presented ; and that no person or persons shall, either in the behalf of themselves or others, procure, receive, or make use of any presentation to any kirk within this kingdom. And it is further declared and ordained, that if any presentation shall hereafter be given, procured, or received, that the same is null, and of none effect ; and that it is lawful for presbyteries to reject the same, and to refuse to admit any to trials thereupon ; and, notwithstanding thereof, to proceed to the planting of the kirk, *upon the suit and calling, or with the consent of the congregation, on whom none is to be obtruded against their will.* And it is decerned, statuted, and ordained, that whosoever hereafter shall, upon the suit and calling of the congregation, after due examination of their literature and conversation, be admitted by the presbytery unto the exercise and function of the ministry, in any parish within this kingdom, that the said person or persons, without a presentation, by virtue of their admission, hath sufficient right and title to possess and enjoy the manse and glebe, and the whole

rents, profits, and stipends, which the ministers of that parish had formerly possesst and enjoyed, or that hereafter shall be modified by the commission for plantation of kirks. . . . And because it is needful, that the just and proper interest of congregations and presbyteries, in providing of kirks with ministers, be clearly determined by the General Assembly, and what is to be accounted the congregation having that interest; therefore, it is hereby seriously recommended unto the next General Assembly, clearly to determine the same, and to condescend upon a certain standing way for being a settled rule therein for all times coming.

Directory for the election of Ministers, by the General Assembly, at Edinburgh, August 4, 1649.

When any place of the ministry in a congregation is vacant, it is incumbent to the presbytery, with all diligence, to send one of their number to preach to that congregation, who, in his doctrine, is to represent to them the necessity of providing the place with a qualified pastor; and to exhort them to fervent prayer and supplication to the Lord, that he would send them a pastor according to his own heart: as also, he is to signify, that the presbytery, out of their care of that flock, will send unto them preachers, whom they may hear; and, if they have a desire to hear any other, they will endeavour to procure them an hearing of that person, or persons, upon the suit of the elders to the presbytery.

2. Within some competent time thereafter, the Presbytery is again to send one or more of their number to the said vacant congregation, on a certain day appointed before for that effect, who are to convene and hear sermon the foresaid day; which being ended, and intimation being made by the minister, that they are to go about the election of a pastor for that congregation, the session of the congregation shall meet and proceed to the election, the action being moderated by him that preached; and if the people shall, upon the intimation of the person agreed upon by the session, acquiesce and consent to the said person, then the matter being reported to the Presbytery by commissioners sent from the session, they are to proceed to the trial of the person thus elected; and, finding him qualified, to admit him to the ministry in the said congregation.

3. But if it happen that the major part of the congregation dissent from the person agreed upon by the session, in that case the matter shall be brought unto the presbytery, who shall judge of the same; and if they do not find their dissent to be

grounded on causeless prejudices, they are to appoint a new election, in manner above specified.

4. But if a lesser part of the session or congregation show their dissent from the election, without exceptions relevant and verified to the presbytery; notwithstanding thereof, the presbytery shall go on to the trials and ordination of the person elected; yet all possible diligence and tenderness must be used to bring all parties to an harmonious agreement.

5. It is to be understood, that no person under the censure of the kirk, because of any scandalous offence, is to be admitted to have a hand in the election of a minister.

6. Where the congregation is disaffected and malignant, in that case the presbytery is to provide them with a minister.

RESTORATION OF CHARLES II., AND PERIOD OF THE PERSECUTION.

Patronages were again introduced by the Parliament 1661, when Episcopacy was established on the ruins of the Presbyterian Church. Remarkable are the words of Mr Robert Wodrow upon this (*History of the Sufferings of the Church of Scotland*, vol. i. p. 28):—"The Parliament, to secure their designed mode of church government, reintroduced the unreasonable and antichristian burden of patrons and presentation upon this church, as what they knew had been still a dead weight upon, and really inconsistent with, the Presbyterian establishment."

During this period, the most arbitrary patronage not only prevailed, but every man was persecuted who did not attend "his own parish church," no matter who preached. By an act of the 1st Parliament of Charles II. Sess. 3, Cap. 2, it was provided that such as ordinarily and wilfully withdraw and absent themselves from their parish churches on the Lord's day, incur the pains following:—Each nobleman, gentleman, and heiror, the loss of a fourth part of each year's rent in which they shall be accused and convicted; and each yeoman, tenant, or farmer, the loss of such a part of their moveables as the Lords of Council shall modify, not exceeding a fourth; and every burgess, his liberty of merchandizing, trading, and other privileges, and the fourth of his moveables: And the Council is to execute this act against all who, after admonition of the minister before two

sufficient witnesses, and by him so attested, shall be given up to them, with power to inflict further corporal pains, as they judge necessary, and to do every other thing for procuring obedience to this act, and for executing thereof. During this period, a vast multitude of Christians were cruelly put to death in Scotland "for conscience' sake."

THE REVOLUTION 1688.

At the happy Revolution, this persecution entirely ceased, and Presbytery was restored by the following act 1690, c. 5:—

Act ratifying the Confession of Faith, and settling Presbyterian Church government.

Edinburgh, June 7, 1690.

Our Sovereign Lord and Lady, the King and Queen's Majesties, and three Estates of Parliament, conceiving it to be their bound duty, after the great deliverance that God hath lately wrought for this church and kingdom, in the first place, to settle and secure therein the true Protestant religion, according to the truth of God's word, as it hath of a long time been professed within this land; as also the government of Christ's church within this nation, agreeable to the word of God, and most conducive to the advancement of true piety and godliness, and the establishing of peace and tranquillity within this realm; and that by an article of the Claim of Right, it is declared, that Prelacy, and the superiority of any office in the church above presbyters, is and hath been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation, they having reformed from Popery by presbyters, and therefore ought to be abolished: Likeas, by an act of the last session of this Parliament, Prelacy is abolished: therefore, their Majesties, with advice and consent of the saids three Estates, do hereby revive, ratifie, and perpetually confirm all laws, statutes, and acts of Parliament, made against Popery and Papists, and for the maintenance and preservation of the true reformed Protestant religion, and for the true Church of Christ within this kingdom, in so far as they confirm the same, or are made in favours thereof. Likeas they, by these presents, ratify and establish the Confession of Faith, now read in their presence, and voted and approved by them, as the public and avowed confession of this church, containing the sum and substance of the doctrine of the Reformed Churches (which Confession of Faith is subjoined to this present act). As also they do establish, ratify,

and confirm the Presbyterian church government and discipline. That is to say, the government of the church by kirk-sessions, presbyteries, provincial synods, and General Assemblies, ratified and established by the 114th act, Ja. VI., parl. 12, anno 1592, entitled, Ratification of the Liberty of the True Kirk, &c., and thereafter received by the general consent of this nation, to be the only government of Christ's Church within this kingdom; reviving, renewing, and confirming the foresaid act of Parliament, in the whole heads thereof, except that part of it relating to patronages, which is hereafter to be taken into consideration; and rescinding, annulling, and making void the acts of Parliament following. (Follow the titles and dates of divers acts of Parliament.) With all other acts, laws, statutes, ordinances, and proclamations, and that in so far allenarly as the said acts and others generally and particularly above mentioned are contrary or prejudicial to, inconsistent with, or derogatory from the Protestant religion, and Presbyterian government now established; and allowing and declaring, that the church government be established in the hands of, and exercised by these Presbyterian ministers who were outed since the 1st of January 1661, for nonconformity to Prelacy, or not complying with the courses of the times, and are now restored by the late act of Parliament, and such ministers and elders only as they have admitted or received, or shall hereafter admit or receive: And also, that all the said Presbyterian ministers have, and shall have right to the maintenance, rights, and other privileges by law provided to the ministers of Christ's Church within this kingdom, as they are or shall be legally admitted to particular churches. Likeas, in pursuance of the premises, their Majesties do hereby appoint the first meeting of the General Assembly of this Church, as above established, to be at Edinburgh, the third Thursday of October next to come, in this instant year 1690. And because many conform ministers either have deserted, or were removed from preaching in their churches preceding the 13th day of April 1689, and others were deprived for not giving obedience to the act of the Estates made in the said 13th of April 1689, entitled, Proclamation against the owning of the late King James, and appointing public prayers for King William and Queen Mary: Therefore their Majesties, with advice and consent foresaid, do hereby declare all the churches either deserted, or from which the conform ministers were removed or deprived, as said is, to be vacant, and that the Presbyterian ministers exercising their ministry within any of these paroches (or where the last incumbent is dead), by the desire or consent of the paroch, shall continue their possession,

and have right to the benefices and stipends, according to their entry in the year 1689, and in time coming, aye and while the church as now established take further course therewith. And to the effect the disorders that have happened in this church may be redressed, their Majesties, with advice and consent foresaid, do hereby allow the general meeting, and representatives of the foresaid Presbyterian ministers and elders, in whose hands the exercise of the church government is established, either by themselves, or by such ministers and elders as shall be appointed and authorised visitors by them, according to the custom and practice of Presbyterian government throughout the whole kingdom, and several parts thereof, to try and purge out all insufficient, negligent, scandalous, and erroneous ministers, by due course of ecclesiastical process and censures; and likewise for redressing all other church disorders. And further, it is hereby provided, that whatsoever minister, being convened before the said general meeting, and representatives of the Presbyterian ministers and elders, or the visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censured, whether by suspension or deposition, they shall *ipso facto* be suspended from, or deprived of their stipends and benefices.

Patronages again fell with the rise of Presbytery, and were abolished by the same Parliament 1690, c. 23, the power of electing and calling ministers being restored to the respective congregations, under certain restrictions. The act runs thus:—

ACT OF THE SCOTTISH PARLIAMENT 1690, c. 23.

Our Sovereign Lord and Lady, the King and Queen's Majesties, considering, that the power of presenting ministers to vacant churches, of late exercised by patrons, hath been greatly abused, and is inconvenient to be continued in this realm, do therefore, with the advice and consent of the Estates of Parliament, hereby discharge, cass, annull, and make void the foresaid power, heretofore exercised by any patron of presenting ministers to any kirk now vacant, or that shall hereafter happen to vaick within this kingdom, with all exercise of the said power: And also all rights, gifts and inseftments, acts, statutes and customs, in so far as they may be extended or understood to establish the said right of presentation; but prejudice always, of such ministers as are duly entered by the foresaid presentations (while in use) their right to the manse, gleib, benefice, stipend, and other profits of their respective churches,

as accords: And but prejudice to the patrons of their right to employ the vacant stipends on pious uses, within the respective parishes, except where the patron is Popish, in which case he is to employ the same on pious uses, by the advice and appointment of the presbytery; and in case the patron shall fail in applying the vacant stipend for the uses foresaid, that he shall lose his right of administration of the vacant stipend, for that and the next vacancy, and the same shall be disposed on by the presbytery, to the uses foresaid; excepting always the vacant stipends within the bounds of the Synod of Argyle: And to the effect the calling and entering ministers, in all time coming, may be orderly and regularly performed, their Majesties, with consent of the Estates of Parliament, do statute and declare, that in case of the vacancy of any particular church, and for supplying the same with a minister, the heritors of the said parish (being Protestants), and the elders, are to name and propose the person to the whole congregation, to be either approven or disapproven by them; and, if they disapprove, that the disapprovers give in their reasons, to the effect the affair may be cognosced upon by the presbytery of the bounds, at whose judgment, and by whose determination, the calling and entry of a particular minister is to be ordered and concluded. And it is hereby enacted, that if application be not made by the eldership, and heritors of the parish, to the presbytery, for the call and choice of a minister within the space of six months after the vacancy, that then the presbytery may proceed to provide the said parish, and plant a minister in the church, *tanquam jure devoluto*. It is always hereby declared, that this act shall be but prejudice of the calling of ministers to royal burghs, by the magistrates, town-council, and kirk-session of the burgh, where there is no landward parish, as they have been in use before the year 1660. And where there is a considerable part of the parish in landward, that the call shall be by magistrates, town-council, kirk-session, and the heritors of the landward parish. And in lieu and recompence of the said right of presentation, hereby taken away, their Majesties, with advice and consent foresaid, statute and ordain the heritors, and liferenters of each parish, and the town-councils for the burgh, to pay to the said patrons, betwixt and Martinmas next, the sum of 600 merks, proportionally effeirring to their valued rents in the said parish, *viz.* :—two parts by the heritors, and a third part by the liferenters, deducing always the patron's own part, effeirring to his proportion as an heritor, and that upon the said patron his granting a sufficient and formal renunciation of the said right of presentation, in favours of the said heritors, town-council for the

burgh, and kirk-session : And it is hereby declared, that as to the parishes to which their Majesties have right to present, upon payment of the said 600 merks to the clerk of the treasury, their Majesties shall be fully denuded of their right of presentation, as to that parish ; and as to other patrons, if they refuse to accept the said 600 merks, the same is to be consigned in the hands of a responsal person in the parish, upon the hazard of the consigners, not to be given up to the patron, until he grant the said renunciation ; allowing, in the meantime, the heritors and kirk-session to call the minister, conform to this act : And ordains letters of horning to be direct at the instance of the patron, against the heritors and others, who shall not make payment of the said 600 merks, after the said term of Martinmas next, and likewise at the instance of the heritors, and others willing to pay, against those who are unwilling. And in case the patron be unwilling to accept the said sum, or the heritors, and others aforesaid, unwilling to pay, ordains letters of horning to be direct, at the instance of their Majesties' solicitor, against either of them. And further, their Majesties, with advice and consent foresaid, statute, enact, and declare, that the right of the teinds of the said parishes, which are not heritably disponed, shall, by virtue of this present act, belong to the said patrons, with the burden always of the minister's stipends, tacks, and prorogations already granted of the said teinds, and of such augmentations of stipends, future prorogations, and erections of new kirks, as shall be found just and expedient, providing the said patrons, getting right to the teinds, by virtue of this present act, and who had no right thereto of before, shall be : Likeas, they are hereby obliged to sell to each heritor the teinds of his own lands, at the rate of six years' purchase, as the same shall be valued by a commission for valuation of teinds ; and whereas there are certain lands and annual-rents holden of the said benefices, and beneficed persons, from which the patrons might have some benefit arising to them ; It is hereby ordained, that the right of superiority of the said lands and annual-rents shall belong to their Majesties in all time coming, with all the whole casualties and emoluments thereof, notwithstanding of any former act of Parliament in the contrar ; reserving, notwithstanding, to the patrons the feu-farms, and feu-mails of the said superiorities, aye, and while they receive payment and satisfaction from their Majesties, of the price thereof, at the rate of 100 merks for each chalder of victual over head, and for each 100 merks of feu-mail, except where the said feu-farms are a part of the minister's modified stipend, or where the minister is, and has been in possession thereof, by the space of ten years, or

where he has the full benefice, in which cases they are to be irredeemable. Excepting, likewise, from this act the superiorities belonging to the deanry of Hamilton, and the provostry of Bothwel, whereunto the Duke of Hamilton has right, which are no ways hereby prejudged.

THE UNION.

After this state of matters had continued for 16 years, during which no secession took place amongst the Presbyterians of Scotland, it was proposed to establish a union between the two kingdoms. This proposal met with great opposition amongst the mass of the people of Scotland, and would have been resisted by the Church, had not proper security been given that the liberties of the Church of Scotland were to be fully and honourably maintained. The first step, therefore, towards the treaty of union was the passing of an act for securing the integrity and liberties of the Church of Scotland, *as she then existed*, as “a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms,” as follows :—

Act for securing the Protestant Religion and Presbyterian Church Government, which was the basis of the Treaty of Union, at Edinburgh, January 16, 1707.

Our Sovereign Lady, and the Estates of Parliament, considering, That by the late Act of Parliament for a treaty with England, for an union of both kingdoms, it is provided, that the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church in this kingdom as now by law established : which treaty being now reported to the Parliament, and it being reasonable and necessary, that *the true Protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured*, therefore, her Majesty, with advice and consent of the said Estates of Parliament, do thereby establish and confirm the said true Protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land in all succeeding generations : and more especially, her Majesty, with advice and consent aforesaid, ratifies, approves,

and for ever confirms the fifth act of the first Parliament of King William and Queen Mary, entitled, "An act ratifying the Confession of Faith, and settling Presbyterian church government, with the hali other Acts of Parliament relating thereto, in prosecution of the declaration of the Estates of this kingdom, containing the Claim of Right, bearing date the 11th of April 1689." And her Majesty, with advice and consent foresaid, expressly provides and declares, that the foresaid true Protestant religion, contained in the above mentioned Confession of Faith, with the form and purity of worship presently in use within this Church, and its Presbyterian church government and discipline ; that is to say, the government of the church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assembly, all established by the foresaid acts of Parliament, pursuant to the Claim of Right, *shall remain and continue unalterable ; and that the said Presbyterian government shall be the only government of the church within the kingdom of Scotland.*

And further, for the greater security of the foresaid Protestant religion, and of the worship, discipline, and government of this Church, as above established, her Majesty, with advice and consent foresaid, statutes and ordains, That the universities and colleges of St Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever : and that in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school, within this kingdom, be capable, or be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed, or to be prescribed by the acts of Parliament : as also, that before or at their admissions, they do, and shall acknowledge, and profess, and shall subscribe to the foresaid Confession of Faith, as the confession of their faith ; and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof ; and never endeavour, directly or indirectly, the prejudice or subversion of the same ; and that before the respective presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be thereto provided.

And further, her Majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them, for ever free of any oath, test, or subscription, within this kingdom, contrary to, or inconsistent with the foresaid true Protestant religion,

and Presbyterian church government, worship, and discipline, as above established : and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort.

And lastly, that after the decease of her present Majesty, (whom God long preserve) the sovereign succeeding to her in the royal government of the kingdom of Great Britain, shall in all time coming, at his or her accession to the crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, rights and privileges of this Church, as above established by the laws of this kingdom, in prosecution of the Claim of Right: *and it is hereby statute and ordained, that this act of Parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort for ever: as also, that this act of Parliament and settlement therein contained, shall be insert and repeated in any act of Parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union in all time coming.*

Act ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England, January 16, 1707, founded on the foresaid act of security.

The Estates of Parliament considering that Articles of Union of the kingdoms of Scotland and England were agreed on the 22d of July 1706 years, &c. * * * and sicklike, her Majesty, with advice and consent of the Estates of Parliament, resolving to establish the Protestant religion and Presbyterian church government, has past in this Session of Parliament an "Act for securing of the Protestant Religion and Presbyterian Church Government," which, by the tenor thereof, is appointed to be insert in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty of union in all time coming," &c.

After embodying the act of security, the document proceeds as follows:—

Which Articles of Union, and act immediately above written, her Majesty, with advice and consent aforesaid, statutes, enacts, and ordains to be, and continue in all time coming, the sure and perpetual foundation of a complete and entire union of the two kingdoms of Scotland and England, under the express condition and provision, That this approbation and ratification of the foresaid articles and act, shall be noways binding on this kingdom, until the said articles and act be ratified, approved, and confirmed by her Majesty, with, and by the authority of the Parliament of England, as they are now agreed to, approved, and confirmed by her Majesty, with, and by the authority of the Parliament of Scotland. Declaring nevertheless, That the Parliament of England may provide for the security of the Church of England, as they think it expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided for establishing of the Church of Scotland within the bounds of this kingdom. As also, the said Parliament of England may extend the additions and other provisions contained in the Articles of Union, as above insert, in favours of the subjects of Scotland, to, and in favours of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland. And lastly, *her Majesty enacts and declares, That all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, as above mentioned, shall from and after the Union, cease and become void.*

QUEEN ANNE'S JACOBITE MINISTRY.

Afterwards, some who had got into the management of public affairs, being dissatisfied with, and incensed against the Church of Scotland's zeal for the Protestant succession in the illustrious House of Hanover, and being stirred up chiefly by the Scotch Jacobites, moved against her in the British Parliament, to get patronages restored. The following act was, in plain violation of the treaty of union, suddenly introduced into the House of Commons, on the 20th March 1712, permission having been obtained to introduce it on the 13th—159 members voting for, and 82 against, granting permission. The bill was read a first time on the 20th, read a second time on

the 24th, and committed on the 28th, the division being 198 for, and 80 against. The same day the House meets in Committee, adjourns till the 3d of April, on which day the bill is committed, reported, read clause by clause, and ordered to be engrossed. It was read a third time on the 7th of April, and finally passed, the House dividing 173 for, and 76 against. It was brought to the House of Lords on the 8th of April.

The following is a copy of the act :—

An Act to restore the Patrons to their ancient rights of presenting Ministers to the churches vacant in that part of Great Britain called Scotland.

Whereas by the ancient laws and constitution of that part of Great Britain called Scotland, the presenting ministers to vacant churches did of right belong to the patrons, until by the 23d act of the 2d session of the first Parliament of the late King William and Queen Mary, held in the year 1690, entitled, "An Act concerning Patronages," the presentation was taken from the patrons, and given to the heritors and elders of the respective parishes; and in place of the right of presentation, the heritors and liferenters of every parish were to pay to the respective patrons a small and inconsiderable sum of money, for which the patrons were to renounce their right of presentation in all times thereafter: And whereas, by the 15th act of the 5th session, and by the 13th act of the sixth session of the first Parliament of the said King William, the one entitled, "An Act for the encouraging of preachers at vacant churches be-north Forth;" and the other entitled, "Act in favours of preachers be-north Forth," there are several burdens imposed upon vacant stipends, to the prejudice of the patron's right of disposing thereof: and whereas that way of calling ministers has proved inconvenient, and has not only occasioned great heats and divisions among those who, by the foresaid act, were entitled and authorised to call ministers, but likewise has been a great hardship upon the patrons, whose predecessors had founded and endowed those churches, and who have not received payment or satisfaction for their right of patronage from the foresaid heritors or liferenters of the respective parishes, nor have granted renunciations of their said rights on that account: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the

aforesaid act, made in the year 1690, entitled, "Act concerning Patronages," in so far as the same relates to the presentation of ministers by heritors and others therein mentioned, be, and is hereby repealed and made void; and that the aforesaid 15th act of the fifth Session, and the 13th act of the sixth Session of the first Parliament of King William, be, and are hereby likewise repealed and made void; and that in all time coming, the right of all and every patron or patrons to the presentation of ministers to churches and benefices, and the disposing of the vacant stipends for pious uses within the parish, be restored, settled, and confirmed to them—the aforesaid acts, or any other acts, statute, or custom to the contrary, in any wise notwithstanding; and that from and after the 1st day of May 1712, it shall and may be lawful for her Majesty, her heirs and successors, and for every other person or persons, who have right to any patronage, or patronages of any church or churches whatsoever, in that part of Great Britain called Scotland (and who have not made and subscribed a formal renunciation thereof under their hands), to present a qualified minister or ministers to any church or churches whereof they are patrons, which shall, at any time after the said 1st day of May, happen to be vacant; and the presbytery of the respective bounds shall, and is hereby obliged to receive and admit in the same manner such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this act ought to have been admitted.

Provided always, that in case any patron or patrons have accepted of, and received any sum or sums of money from the heritors or liferenters of any parish, or from the magistrates or town-council of any borough, in satisfaction of their right of presentation, and have discharged or renounced the same under their hand, that nothing herein shall be construed to restore such patron or patrons to their right of presentation,—any thing in this present act to the contrary notwithstanding.

Provided also, and it is hereby enacted, by the authority aforesaid, that in case the patron of any church aforesaid shall neglect or refuse to present any qualified minister to such church that shall be vacant the said 1st day of May, or shall happen to be vacant at any time thereafter, for the space of six months, after the said 1st day of May, or after such vacancy shall happen, that the right of presentation shall accrue and belong, for that time, to the presbytery of the bounds where such Church is, who are to present a qualified person for that vacancy, *tanquam jure devoluto*.

And be it farther enacted and declared, by the authority

aforesaid, that the patronage and right of presentations of ministers to all churches which belonged to archbishops, bishops, or other dignified persons, in the year 1689, before Episcopacy was abolished, as well as those which formerly belonged to the Crown, shall and do of right belong to her Majesty, her heirs and successors, who may present qualified ministers to such church or churches, and dispose of the vacant stipends thereof for pious uses, in the same way and manner as her Majesty, her heirs and successors, may do in the case of other patronages belonging to the Crown.

Declaring always, that nothing in this present act contained shall extend, or be construed to extend, to repeal and make void the aforesaid 23d act of the second session of first Parliament of the late King William and Queen Mary, excepting so far as relates to the calling and presenting of ministers, and to the disposing of vacant stipends, in prejudice of the patrons only.

And be it farther enacted, by the authority aforesaid, that all and every patron and patrons, who have not taken, or shall not take, at any time before his or their presenting a minister or ministers to any church or churches aforesaid, the oath appointed to be taken by persons in public trust, by an act made in the sixth year of her Majesty's reign, entitled, "An Act for the better security of her Majesty's person and government," shall, and are hereby obliged, at their signing such presentation, to take and subscribe the aforesaid oath before the sheriff of the shire, stewart of the stewartry, or before any two or more justices of the peace of the county or place where such patron resides; and in case such patron or patrons, who have not formerly taken the aforesaid oath, refuse or neglect to take the same at signing of such presentation, that the same shall be, and is hereby declared to be void, and the right of presentation, and of the disposing the vacant stipends for that time, shall belong to her Majesty, her heirs and successors, who may present a qualified person to such church or benefice, at any time within the space of six months after such neglect or refusal—any thing in this present act, or in any other act, to the contrary notwithstanding.

And whereas the right of patronage of churches may belong to Papists, be it therefore enacted, by the authority aforesaid, that any person or persons, known or suspected to be Papists, and who have a right of presenting ministers, shall be obliged, at or before his or their signing any presentation, to purge himself of Popery, by taking and signing the Formula, contained in the third act of the Parliament of Scotland, held in the year 1700, entitled, "Act for preventing the growth

of Popery :" and in case such Popish patron or patrons shall refuse to take and subscribe the Formula aforesaid, the same being tendered to him or them by the sheriff of the shire, stewart of the stewartry, or any two or more justices of the peace within their respective jurisdiction, who are hereby empowered to administer the same, the presentation, and the right of disposing the vacant stipends, shall, for that time, belong to her Majesty, her heirs and successors, who may present any qualified person or persons within six months after such neglect or refusal,—any thing in this present act, or any other act, to the contrary notwithstanding.

The Commission of the Assembly instantly sent up three Commissioners to London to remonstrate against this attack upon the liberties of the Church of Scotland, and violation of national faith. Owing to the difficulty of communication in those days, and the haste with which the bill had proceeded, these Commissioners did not arrive in London until it had passed the Commons and reached the House of Lords. They immediately presented the following address to the House of Lords :—

To the most Honourable the Peers of Great Britain, in Parliament assembled,

The humble Representation of William Carstares, Thomas Blackwell, and Robert Bailie, ministers of the Church of Scotland, offered by them in the name, and by the appointment of the Commission of the late General Assembly of the aforesaid Church, concerning the bill for restoring patronages now depending before your Lordships.

It is with all humble duty and submission represented unto your Lordships, that this depending bill seems to be contrary to the present constitution of our church, so well secured by the late treaty of union, and solemnly ratified by the acts of Parliament in both kingdoms. That this may be more clear, it is to be observed, that from the first reformation from Popery, the Church of Scotland hath always reckoned patronages a grievance and burden, as is declared by the First and Second Books of Discipline, published soon after the said reformation; since which time they were still judged a grievance, till at length they came by law to be abolished.

These patronages having been restored with Episcopacy, in

the years 1661 and 1662, did continue to the year 1690, that Episcopacy was abolished, and Presbyterian government again established; and though the act of Parliament 1690, resettling Presbyterian church government, was founded on the act of Parliament 1592, which bears a relation unto patronages, yet the said act of Parliament 1690, doth expressly except that part of the old act, and refer patronages to be thereafter considered, which accordingly was considered in the same Parliament 1690; whereby it is plain, that the abolition of patronages was made a part of our church constitution, enacted by the act 1690; and that this act 1690, with all other acts relative thereto, being expressly ratified, and for ever confirmed, by the act for securing the Protestant religion and Presbyterian government, and engrossed as an essential condition of the ratifications of the treaty of union passed in the Parliaments of both kingdoms; the said act, abolishing patronages, must be understood to be a part of our Presbyterian constitution, secured to us by the treaty of union for ever.

Yet it is to be particularly considered, that the same Parliament 1690, was so tender of the civil rights of patrons, and so sincerely desirous only to restore the church to its just and primitive liberty of calling ministers in a way agreeable to the word of God, that they only discharged the patrons' power of presenting ministers to vacant churches; but as to any thing of their civil rights, did make the conditions of patrons better than before, not only by reserving unto them the right of disposal of vacant stipends, for pious uses, within the parish, but also giving unto them the heritable rights of the tithes, restricting the minister who formerly had the said right to stipends much below the value of the said tithes: notwithstanding which advantageous concessions to the patrons by the Parliament, this bill takes back from the church the power of presentation of ministers, without restoring the tithes which formerly belonged to her, by which the patrons come to enjoy both the purchase and the price.

This being then the true account of our legal settlement as to this matter, it appears to be evident, that the restitution of patronages, as to the point of presentation, can only gratify a few, while, on the other hand, it must necessarily disoblige a far greater number, that are now freed of that imposition; and indeed it cannot but seem strange, that this bill should be so much insisted upon, when there are so many patrons, and those, too, of the most considerable in Scotland, that are against such a restitution.

It is also apparent, that Presbyteries must come under many

difficulties and hardships, as to their compliance with this innovation ; and that many contests, disorders, and differences, will probably ensue betwixt patrons, presbyters, heritors, and people, besides the known abuses wherewith patronages have been attended, even in their most settled condition ; whereof many instances might be given, especially that thereby a foundation was laid for simoniacal pactions betwixt patrons and those presented by them, and likewise ministers were imposed upon parishes by patrons who were utterly strangers to their circumstances, having neither property nor residence therein.

It is therefore with all submission expected from your Lordships' justice and mature deliberation, that a bill, as we humbly conceive, so nearly affecting the late treaty of union in one of its most fundamental and essential articles, respecting the preservation of the rights and privileges, which our church at that time was possessed of by law, for the security of which the Parliament of Scotland was so much concerned, as not to allow their commissioners to make it any part of their treaty, but reserved it as a thing unalterable by any judicature deriving its constitution from the said treaty, shall not be approved by your Lordships, especially while the nature of the treaty itself shows it to be a reciprocal transaction betwixt the two nations.

W. CARSTARES.

THO. BLACKWELL.

Ro. BAILIE.

This petition was read ; and on Saturday, April 12, they were heard by counsel at the bar of the House of Lords. After which the bill was, *on the same day*, read a second time, committed, reported, read a third time, passed, and sent to the Commons with amendments!! On Monday, April 14, it was brought down to the Commons—the amendments were agreed to without a division ; and on the 22d May 1712, the bill received the royal assent by Queen Anne on the throne.

When the General Assembly met, they pronounced the following unanimous approbation of the proceedings of their Commissioners in opposing the act of Queen Anne.

Edinburgh, May 13th, 1712.—Sess. 11.

The General Assembly having considered the proceedings of the Commission of the late General Assembly with rela-

tion to public affairs, and in particular, having had produced and read before them the representations made by them to her Majesty concerning the “Bill for restoring Patronages,” the General Assembly did by their vote, and hereby do unanimously approve and ratify the foresaid proceedings of the said Commission in the premises, and particularly the said representations as having been most faithful and seasonable. And in token of their said approbation, they hereby ordain the said representations to be here inserted *verbatim*.

We quote the first of these :—

To the Queen’s Most Excellent Majesty.
The humble Address and Representation of the Commission
of the late General Assembly of the Church of Scotland.

May it please your Majesty,— Though we cannot forbear to regret the want of success in our endeavours, with relation to a bill lately passed into an act, entitled, “An Act for preventing the disturbing those of the Episcopal communion in Scotland in the exercise of their religious worship, and in the use of the Liturgy of the Church of England;” yet seeing we must still judge, that the form and purity of worship, presently within this church, and its Presbyterian government and discipline, established by the acts of Parliament pursuant to the Claim of Right, are to remain and continue unalterable. And that the act of Parliament securing our Presbyterian church government, and the establishing thereof, are to be held and observed in all time coming, as a fundamental and essential condition of the Treaty of Union, concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort for ever.

We cannot, but with all humble duty and submission, take notice of another bill, presented to the Parliament of Great Britain for restoring of patronages, which we conceive is contrary to our church constitution, so well secured by the Treaty of Union, and solemnly ratified by the acts of Parliament of both kingdoms, and will inevitably obstruct the work of the Gospel, and create great disorder and disquiet in this church and nation. For the further clearing whereof, we beg leave to represent to your Majesty, that from our first Reformation from Popery, patronages have been reckoned a yoke and burden upon the Church of Scotland, as is declared by the First and Second Books of Discipline, published soon after the said Reformation; since which time they have been still judged a grievance, till at length they came by law to be abolished.

These patronages having been restored with Prelacy, in the year 1661 and 1662, and, indeed, did continue till 1690, that Prelacy was abolished, and Presbyterian government again established: and though the act of Parliament 1690, resettling Presbyterian church government, was founded upon the act of Parliament 1592, which bears a relation to patronages, yet the said act of Parliament 1690, doth expressly except that part of the old act, and refer patronages to be thereafter considered, which accordingly followed in the same Parliament 1690: whereby your Majesty may plainly perceive, that the abolition of patronages was made a part of our church constitution, enacted by the act 1690: and that this act 1690, with all other acts relative thereto, being expressly ratified, and for ever confirmed, by the act securing the Protestant religion and Presbyterian church government, and engrossed as an essential condition of the ratifications of the Treaty of Union, past in the Parliaments of both kingdoms; the said act abolishing patronages must be understood to be a part of our Presbyterian constitution, secured to us by the Treaty of Union for ever.

Yet the same Parliament 1690, was so tender of the civil rights of patrons, and so sincerely desirous only to restore the church to its just and primitive liberty, in calling ministers in a way agreeable to the Word of God, that they only discharged the patron's power of presenting ministers to churches vacant; but as to any thing of their civil rights, did better the condition of patrons, not only by reserving to them the right of disposal of vacant stipends, for pious uses within the parish, but also giving them the heritable right of the tithes; restricting the ministers who formerly had the said right, to stipends much below the value of the said tithes.

This being then the true account of our legal establishment as to this matter, we presume also, in humble duty, to represent to your Majesty, that the restitution of patronages, as to the point of presentation, can only gratify a few, while, on the other hand, it must necessarily disoblige a far greater part of your Majesty's good subjects, who are now freed of that imposition.

Neither can we forbear to suggest to your Majesty, that from what is said, it may be easily gathered, what difficulties and hardships Presbyteries may be laid under, as to their compliance with this innovation; and what differences, contests, and disorders may probably ensue betwixt patrons, presbyteries, heritors, and people; besides the known abuses wherewith patronages have been attended, even in their most settled condition, whereof many instances might be given, especially that thereby a foundation was laid for simoniacial pactions betwixt

patrons and those presented by them. And likewise ministers were imposed upon parishes by patrons who were utterly strangers to their circumstances, having neither property nor residence therein.

And, therefore, we cannot but most humbly and earnestly obtest your Majesty to consider this affair of restoring patronages in this church, with all its circumstances and consequences. And since, through the blessing of God, and your Majesty's gracious protection, we have hitherto been at quiet and ease in this matter, that your Majesty would be graciously pleased, in your great wisdom, to use proper means for preventing this encroachment so evidently prejudicial to the work of the Gospel, and the peace of this church.

That your Majesty may be guided and directed of God in the great and weighty affairs of your government; and that after the fulness of earthly blessings here, you may for ever wear a crown of glory that fadeth not away, are the earnest and fervent prayers of, may it please your Majesty, your Majesty's most faithful, most obedient, and most humble subjects, the Ministers and Elders, Commissioners of the late General Assembly of the Church of Scotland.

Signed in our name, in our presence, and at our appointment, by

WILL. MITCHELL, Moderator.

EDINBURGH, 27th March, 1712.

There was another representation given into the right honourable the Peers of Great Britain, in Parliament assembled, which we have already inserted; as also another to the Commons of Great Britain, assembled in Parliament; all which are inserted at full length in the Acts of Assembly 1712.

When Queen Anne died, and the power of the Jacobites was destroyed by the accession of George I., the General Assembly, 1715, gave another testimony against patronages, and approved a memorial concerning them, which they appointed to be sent to the Duke of Montrose, principal Secretary of State, most humbly entreating him to lay it before the king, viz., King George I. The tenor of it is as follows, in so far as it relates to this subject:—

The General Assembly's Testimony against Patronages.—
May 14, 1715.

The Church of Scotland, being restored at the happy Revolution, was, by the Claim of Right, and Acts of Parliament following thereupon, established in its doctrine, worship, discipline, and government; and, that this legal constitution and establishment might be unalterably secured, it was declared to be a fundamental and essential condition of the Union, and accordingly ratified in the Parliaments of both kingdoms. But the zeal of the Established Church of Scotland for, and their steady adherence to, the Protestant succession, did expose them to the resentments of a disaffected party. And now they account themselves aggrieved by some acts passed in the Parliament of Great Britain—as,

* * * * *

2do, By the act restoring the power of *presentation to patrons*, the legally established constitution of this church was altered in a very important point; and while it appears equitable in itself, and agreeable to the liberty of Christians and a free people, to have interest in the choice of those to whom they intrust the care of their souls, it is a hardship to be imposed upon in so tender a point, and that frequently by patrons who have no property nor residence in the parishes; and this besides the snares of simoniacal pactions, and the many troubles and contests arising from the power of patronages, and the abuses thereof, by disaffected patrons putting their power into other hands, who as effectually serve their purposes; by patrons competing for the right of presentation in the same parish (and by frequently presenting ministers settled in eminent posts to mean and small parishes, to elude the planting thereof): by all which, parishes are oft kept long vacant, to the great hindrance of the progress of the Gospel.

The Commission of the General Assembly likewise sent ministers to London, in the year 1717, who gave in a representation to Parliament, craving that the act 1712, restoring patronage, might be repealed, which was accordingly read, and the consideration of it put off for a month; but before the expiration of this time the Parliament arose.

The General Assembly 1735, after the secession had broken out as one of the first fruits of the restoration of patronage, sent Commissioners to London, with addresses against the Patronage

Act. The Commissioners accordingly gave in an address to his Majesty King George II., the tenor whereof follows :—

To the King's Most Excellent Majesty.

The humble Address of Mr Alexander Anderson, Moderator of the last General Assembly of the Church of Scotland; Mr James Gordon, Minister, and Colonel John Erskine of Carnock, Ruling Elder, Commissioners appointed for that Church by the said Assembly 1735.

May it please your Majesty,— The Church of Scotland, after great suffering, was at the late happy Revolution restored, by the gracious providence of Almighty God, to the possession of her former rights and privileges, so long contended for: his Majesty King William, of immortal memory, was then the glorious instrument of her deliverance, and at the same time of delivering Great Britain from Popery and slavery.

Amongst other great and worthy things done at that memorable juncture, for the church and people of Scotland, the power of patrons to present ministers to churches was abolished, by an act of Parliament, in consequence of the Scots Claim of Right in the year 1690, for which the patrons obtained a recompense, and were also allowed to retain all the temporal benefits of patronage, which they had formerly enjoyed.

By the same Act of Parliament, another method of settling ministers in churches was established, in the exercise of which, that great point in the constitution of a church, viz., the establishing of a just relation between pastor and people, was managed with much calmness, decency, and order; and the ministers thus established, by the Divine blessing on their labour, were successful in the work of the Gospel, and religion and loyalty daily gained ground against profane principles and practices, and against disaffection to the civil government.

By the Act of Union, which passed by the Parliaments of both the British nations, and was made the fundamental constitution of the kingdom of Great Britain, this freedom from the presentations of patrons, and the said method appointed for settling ministers in churches, did, with the other rights and privileges of the church and people of Scotland, become an essential and fundamental part of theforesaid constitution of Great Britain.

Notwithstanding whereof, certain disaffected persons, at a time when the most valuable rights and interests of Britain were thought to be in imminent danger, had the address to procure an act of Parliament, in the 10th year of the late Queen

Anne, rescinding the foresaid Act of Parliament 1690, that abolished the power of patrons to present ministers, and established the method of their settlement in churches. And that this was done in resentment against the Church of Scotland; and that further threatenings were, by these persons, breathed out against her, for her firm and loyal adherence to the Revolution interest, and especially to the succession of the crown in your Majesty's royal Protestant family, was not then denied, but boasted of, and is still remembered by all who observed these times.

The bad effects which have thence proceeded, to the interests of religion and loyalty, none but an utter stranger to Scotland can be unacquainted with, nor with the grounds of fear that these evils may mightily increase, till the cause be removed.

The Church of Scotland having long waited for redress of this heavy grievance, and not having as yet obtained the same, did humbly believe it her duty, now again to lay the case, with the utmost dutifulness, before your Majesty, and to implore your most gracious and royal favour and justice, for relieving her from these hardships, which are the more affecting, because of the lamentable consequences thereof, that seem to multiply and increase. Discontents and division appear to be growing upon the one hand, as does disaffection on the other, whereby irreligion and licentiousness are like to prevail.

As no act of Parliament can be made or repealed, but by your Majesty and Parliament, we, as commissioned by your Majesty's subjects of the Church of Scotland (whose unshaken loyalty is testified even by her enemies), do, with hearts zealous for your royal person, family, and government, and zealous also, we hope, for the glory of God, and the success of the Gospel, presume most dutifully to approach your sacred person, as the nursing father of the Church of Christ, and the guardian of your people's rights and privileges, and in name and behalf of our constituents, most humbly to implore,—

That it may please your most excellent Majesty to favour the repeal of the foresaid act of the 10th of Queen Anne, that so the church and people of Scotland may be restored to their just right and privilege, as to the settling of ministers, secured to them by the above mentioned Act of Union; and that Almighty God may greatly bless and prosper your Majesty's royal person and family, and remarkably countenance your government, and direct the same to his own glory, your Majesty's honour, and the welfare of your people, is the

hearty prayer of, may it please your Majesty, your
Majesty's most dutiful and most loyal subjects,

ALEX. ANDERSON.

JAMES GORDON.

JOHN ERSKINE.

When all endeavours to get rid of the intolerable yoke of patronage proved unsuccessful, the General Assembly 1736, did, by their solemn and deliberate resolution, give it as their judgment, that it was still most just and fit, upon the first favourable occasion, to apply for redress of this grievance; and did record their weighty grounds and reasons for it, as follows:—The draught of this resolution was made by Lord President Dundas.

Resolution of the General Assembly of the Church of Scotland, upon the report of their Commissioners sent to London, to endeavour the repeal of the act 10, Anne, reimposing patronages.

May 22, 1736.

The General Assembly having taken into their serious and deliberate consideration, the report of the Commissioners from the last General Assembly sent to London, to apply for redress of the grievance of patronage; and that in order to deliberate what resolution was proper for this Assembly, or this church to take, as to their future conduct with relation to this grievance, did thereupon agree upon this opinion and resolution, That the Church of Scotland is, by her duty and interest, obliged still to persist in using her best endeavours, from time to time, to be relieved from the grievance of patronage, until the same shall, by the blessing of God, prove successful; and for that end, that this Assembly shall empower and direct the commission to be appointed by them, to make due application to the King and Parliament for redress of the said grievance, in case a favourable opportunity for so doing shall occur during the subsistence of that commission. And this Assembly doubts not, that future General Assemblies of this church will, from time to time, be watchful and attentive to this weighty concern, and will not fail to make the like proper applications, whenever, by the Providence of God, a fit occasion shall offer itself. And as the intent of such applications are in order to procure to be restored to this church a valuable right and privilege she was possessed of at the union of the two kingdoms; so the grounds and reasons of the claim of this church to be restored to the

enjoyment of that right, are so strong and pregnant, that, notwithstanding the unsuccessful event of the late applications, this Assembly cannot but hope, that some like application, renewed at a proper season, will prove successful: And in order to set forth some of the reasons of their hopes, and to direct their commission as to the manner of such application, if they shall see cause to make any, the Assembly has resolved and agreed, that the grounds of this church's claim for the redress of the grievance of patronage are, among others, these following:—

That in the declaration of the Estates of the kingdom of Scotland, in April 1689, containing the Claim of Right, and the offer of the crown to their Majesties, King William and Queen Mary, it is, among other things, for vindicating their ancient rights and liberties, declared, That Prelacy in the Church has been a great and insupportable grievance and trouble to this nation, and contrary to the inclinations of the generality of the people ever since the Reformation, and therefore ought to be abolished.

That, in pursuance of this Claim of Right, several acts of Parliament were made soon after the late happy Revolution, comprehending the establishment of this church in its doctrine, worship, discipline, and government; and particularly by the fifth act passed on the 7th of June 1690, ratifying the Confession of Faith, and settling Presbyterian church government, the same is expressly made in pursuance of the said article in the Claim of Right. And as the said 5th act contains, among other things, an express ratification of the first act of the Parliament 1592, which act, in the close thereof, makes a proviso for presbyteries being obliged to receive qualified ministers presented by patrons: therefore, in the reviving, renewing, and confirming of this act, that article thereof relating to patronages is excepted, and it is declared, That the same shall thereafter be taken into consideration, which shows evidently that patronages were not understood to be consistent or agreeable with that constitution of this Church, which the legislature were then about to establish, in pursuance of the Claim of Right, and in compliance with the inclinations and principles of the generality of the people in Scotland.

That accordingly, soon after this 5th act 1690, the 23d act, concerning patronages, was passed on the 19th July, in that same session of Parliament; which annuls the power of patrons of presenting ministers, and thereby prevents the thrusting ministers upon congregations, and establishes another method of supplying vacant churches, which then became a part of the legal establishment of this church, in pursuance of the Claim of

Right, being a supplement to that which was reserved to farther consideration by the 5th act 1690; and at the same time a valuable equivalent was given by that act to the patrons in lieu of their power of presenting.

That the establishment of this church, which was thus renewed at the happy Revolution, was confirmed and secured in the most solemn manner at the union of the two kingdoms; particularly by the 6th act 1707, which confirms the said act 1690, with the haill other acts of Parliament relating thereto, in prosecution of the Claim of Right; and provides, that the government of this church, as established by the foresaid acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterable. Which act is, by the Parliaments of both kingdoms, ratified, and declared to be a fundamental and essential condition of the union in all time coming; and which appears evidently to comprehend the said 23d act 1690, which was certainly one of the acts, and, next to the 5th act of that session, was the principal act of Parliament made in pursuance and in prosecution of the said article of the Claim of Right.

That notwithstanding the security of this our happy establishment, in all its parts, was as great and as solemn as it was possible for human laws and constitutions to devise or execute, yet in prejudice of that security, as we apprehend, the act in the 10th year of Queen Anne was passed, restoring to patrons the power of presenting, and suffering them at the same time to retain the valuable equivalent which they received by the 23d act 1690. And this act 10, Anne, it is well known, and always has been declared, was imposed upon this church by means of persons of our own country, who were enemies to the Protestant succession, as they soon after discovered in the strongest manner, and enemies to this church by reason of her inviolable adherence to that succession; and was by them intended to afflict and oppress this church, and to create discontents amongst the people therein, and to open a door for patrons arbitrarily to impose upon the people, as ministers, persons proper for instilling into their minds principles of disloyalty and disaffection to the present happy constitution. Which circumstance of the season and design of imposing this grievance, which appears to us an infringement on our established constitution, must ever afford an additional argument and encouragement in our applications to the royal family now reigning, and whom we daily pray God ever to preserve and prosper.

That accordingly, not long after the accession of his late Majesty of blessed memory, Commissioners were sent up from this church to make humble applications to his Majesty for

redress of this grievance of patronages, and other grievances which this church complained of; which Commissioners had the honour of access to and audience of his Majesty, and received a most gracious answer, "That he was well satisfied of the good affection of the Church of Scotland, and should be glad of an occasion to serve them." And the same Commissioners had likewise the honour of an audience of their present Majesties, then Prince and Princess of Wales, of whom the former was graciously pleased to answer, "That he would do all he could for the interest of this church, and of this country in general;" and the then Princess was pleased to answer, "That she was satisfied of the good disposition of the Church of Scotland to the Protestant succession, and would not be wanting in what might be for its advantage." After which there was somewhat done for the alleviating of this grievance of patronage, by an act passed in the 5th year of his late Majesty; but by experience it has been since found, that that act of Parliament has proved insufficient for giving that relief to the church which we apprehend was intended by it; but on the contrary, as the grievous consequences of presentations have since that time increased, and are felt very sensibly in many parts of this church, it was justly thought necessary lately to renew applications to his Majesty; and we think it still most just and fit, upon the first favourable occasion that the providence of God shall offer, humbly to apply to his Majesty and the Parliament for redress of this grievance, being hopeful that the same may be successful when we shall have full access to represent the merits of the case, and particularly that this grievance was brought upon us contrary to the establishment of this church, made at the glorious Revolution, and solemnly confirmed and secured as an essential condition of the union of the two kingdoms.

At the same time, the Assembly instructed its Commission to seize every opportunity of obtaining the redress of this intolerable grievance. This instruction was annually repeated till 1784. It was as follows:—

And the Assembly do farther empower and direct the said commission to make due application to the King and Parliament, for redress of the grievance of Patronage, in case a favourable opportunity for so doing shall occur during the subsistence of this commission.

The same Assembly, 1736, passed the following act in regard to the intrusion of unacceptable ministers:—

Act 1736 against intrusion of Ministers into vacant Congregations, and Recommendation to Presbyteries concerning Settlements.

Edinburgh, 25th May 1736.

The General Assembly, considering from act of Assembly, August 6, 1575, Second Book of Discipline, chapter iii. paragraphs 4, 6, and 8, registrate in the Assembly books, and appointed to be subscribed by all ministers, and ratified by acts of Parliament, and likewise by the act of Assembly 1638, December 17 and 18, and Assembly 1715, act 9, That it is, and has been, since the Reformation, the principle of this church, that no minister be intruded into any parish contrary to the will of the congregation, do therefore seriously recommend to all the judicatories of the church to have a due regard to the said principle in planting vacant congregations, and that all presbyteries be at pains to bring about harmony and unanimity in congregations, and to avoid every thing that may excite or encourage unreasonable exceptions in people against a worthy person that may be proposed to be their minister in the present situation and circumstances of the church, so as none be intruded into such parishes, as they regard the glory of God and edification of the body of Christ.

After this, a majority of the office-bearers of the Church of Scotland gradually forgot the ancient principles, and passed over from the side of the people to that of the patrons. Whilst the annual instruction against patronage was given to the Commission, the call of the people was reduced to a mere form. Effect was in every case given to presentations, and ministers were often thrust into parishes at the point of the bayonet. A faithful minority, during a long night of defection, maintained an unavailing struggle in behalf of the people's Christian rights. The Relief and Secession Churches now extended in all directions, the crowds driven from the Established Church taking refuge with them. In 1782, even amidst such proceedings, the Assembly, however, again declared that the call of the people is an essential prerequisite to the formation of the pastoral relationship, according to the principles of the Church of Scotland.

DECLARATION OF THE ASSEMBLY 1782.

Upon a motion that the resolution of Assembly respecting

the moderation of calls, should, for the satisfaction of all concerned, be converted into a declaratory act, and printed amongst the Acts of Assembly, the General Assembly agreed thereto without a vote; and, in terms of said resolution, did, and hereby do declare, that the moderation of a call, in the settlement of ministers, is agreeable to the immemorial and constitutional practice of this church, and ought to be continued.

The subsequent history is well known. Since the beginning of the present century, the evangelical spirit has made rapid progress within the Church of Scotland; and in 1834, the popular party acquired a decided ascendancy in the Assembly. With the progress of their power, the defence of the rights of the Christian people kept pace, and in 1835, after passing the *ord*deal of the Barrier Act, the *VETO ACT* was passed as follows:—

VETO ACT.

Edinburgh, May 29, 1835.

The General Assembly declare, That it is a fundamental law of this church, that no pastor shall be intruded on any congregation contrary to the will of the people; and, in order that this principle may be carried into full effect, the General Assembly, with the consent of a majority of the Presbyteries of this church, do declare, enact, and ordain, That it shall be an instruction to Presbyteries, that if, at the moderating in a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the church, shall disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly, and due notice thereof forthwith given to all concerned; but that, if the major part of the said heads of families shall not disapprove of such person to be their pastor, the Presbytery shall proceed with the settlement according to the rules of the church: And farther declare, that no person shall be held to be entitled to disapprove as aforesaid, who shall refuse, if required, solemnly to declare, in presence of the Presbytery, that he is actuated by no factious or malicious motive, but solely by a conscientious regard to the spiritual interest of himself or the congregation.

This act, however, by which many violent settlements have

been prevented, has been disallowed in as far as civil consequences are concerned, on the sole and express ground *that it interferes with the rights of patrons as established by the illegal act of Queen Anne*, and the popular party in the Church, with the great mass of the people, are therefore again taking their stand, as all their ancestors have done, against patronage itself, and labouring to secure its entire and final overthrow.

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Select Anti-Patronage Library.

THE

RIGHT OF THE CHURCH,

IN

PARTICULAR CONGREGATIONS,

TO

APPOINT AND ELECT THEIR OWN PASTORS
AND ELDERS,

CLEARLY MANIFESTED FROM SCRIPTURE,

BY JOHN OWEN, D.D.,

EXTRACTED FROM THE "GOSPEL CHURCH."

EDINBURGH:
JOHN JOHNSTONE, HUNTER SQUARE.

MDCCXLII,

No. 2.—*Price 4d.]*

THE RIGHT OF THE CHURCH, &c.

NONE can or may take this office (of the ministry) upon him, or discharge the duties of it, which are peculiarly its own, with authority, but he who is called and set apart thereunto according to the mind of Jesus Christ. The continuation of all church order and power, of the regular administration of all sacred ordinances, yea, of the very being of the church, as it is organical, depends on this assertion. Some deny the continuation of the office itself, and of those duties which are peculiar unto it, as the administration of the sacraments. Some judge, that persons neither called nor set apart unto this office, may discharge all the duties and the whole work of it; some, that a temporary delegation of power unto any by the church, is all the warrant necessary for the undertaking and discharge of this office. Many have been the contests about these things, occasioned by the ignorance and disorderly affections of some persons. I shall briefly represent the truth herein with the grounds of it; and proceed to the consideration of the call itself, which is so necessary.

1. Christ himself, in his own person, and by his own authority, was the author of this office. He gave it, appointed it, erected it in the church, by virtue of his sovereign power and authority.—Eph. iv. 11, 12; 1 Cor. xii. 28. As he gave, appointed, ordained an extraordinary office of apostleship, so he ordained, appointed, and gave the ordinary office of pastorship or teaching. They have both the same divine original.
2. He appointed this office for continuance, or to abide in the church unto the consummation of all things.—Eph. iv. 13; Matt. xxviii. 19. And therefore he took order by his apostles,

that for the continuation of this office, pastors, elders, or bishops, should be called and ordained unto the care and discharge of it in all churches; which was done by them accordingly.—Acts xiv. 22, 23, xx. 28; 1 Tim. iii. 1, 2; Tit. i. 5. Wherein he gave rule unto all churches unto the end of the world, and prescribed them their duty.

3. On this office, and the discharge of it, he hath laid the whole weight of the order, rule and edification of his church, in his name and by virtue of his authority.—Acts xx. 28; Col. iv. 17; 1 Tim. iii. 15; 1 Pet. v. 1–6; Rev. ii. 1–5, &c. Hereon a double necessity of the continuation of this office doth depend; first, that which ariseth from the precept or command of it, which made it necessary to the church, on the account of the obedience which it owes to Christ; and, secondly, of its being the principal ordinary means of all the ends of Christ, in and towards his church. Wherefore, although he can himself “feed his church in the wilderness,” where it is deprived of all outward instituted means of edification; yet where this office fails through its neglect, there is nothing but disorder, confusion, and destruction, that will ensue thereon; no promise of feeding or edification.

4. The Lord Christ hath given commands unto the church, for obedience unto those who enjoy and exercise this office among them. Now all these commands are needless and superfluous, nor can any obedience be yielded unto the Lord Christ in their observance, unless there be a continuation of this office. And the church loseth as much in grace and privilege, as it loseth in commands. For in obedience unto the commands of Christ, doth grace in its exercise consist.—1 Tim. v. 17; Heb. xiii. 7, 17.

5. This office is accompanied with power and authority, which none can take or assume to themselves. All power and authority, whether in things spiritual or temporal, which is not either founded in the law of nature, or collated by divine ordination, is usurpation and tyranny. No man can of himself take either sword. To invade an office which includes power and authority over others, is to disturb all right, natural, divine and civil. That such an authority is included in this office, is evident,—
(1.) From the names ascribed unto them in whom it is vested; as pastors, bishops, elders, rulers, all of them requiring of it.
(2.) From the work prescribed unto them, which is feeding by rule and teaching.
(3.) From the execution of church power in discipline, or the exercise of the keys of the kingdom of heaven committed unto them.
(4.) From the commands given for obedience unto them which respect authority.
(5.)

From their appointment to be the means and instruments of exerting the authority of Christ in the church, which can be done no other way.

6. Christ hath appointed a standing rule of the calling of men unto this office, as we shall see immediately. But if men may enter upon it, and discharge it, without any such call, that rule, and the way of the call prescribed, are altogether in vain. And there can be no greater affront unto the authority of Christ in his church, than to act in it, in neglect of, or opposition unto, the rule that he hath appointed for the exercise of power in it.

7. There is an accountable trust committed unto those who undertake this office. The whole flock, the ministry itself, the truths of the Gospel as to the preservation of them all, are committed to them.—Col. iv. 17; 1 Tim. vi. 20; 2 Tim. ii. 2, 16, 23; Acts xx. 28; 1 Pet. v. 1-5; Heb. xiii. 17. “They who must give an account.” Nothing can be more wicked or foolish, than for a man to intrude himself into a trust which is not committed unto him. They are branded as profligately wicked, who attempt any such thing among men, which cannot be done without falsification; and what shall he be esteemed who intrudes himself into the highest trust that any creature is capable of, in the name of Christ, and take upon him to give an account of its discharge at the last day, without any divine call or warranty?

8. There are unto the discharge of this office especial promises granted and annexed of present assistances, and future eternal rewards.—Matt. xxviii. 19; 1 Pet. v. 4. Either these promises belong unto them who take this office on themselves without any call, or they do not. If they do not, then have they neither any especial assistance in their work, nor can expect any reward of their labours. If it be said they have an interest in them, then the worst of men may obtain the benefit of divine promises, without any divine designation.

9. The general force of the rule, Heb. v. 4, includes a prohibition of undertaking any sacred office without a divine call; and so the instances of such prohibitions under the Old Testament, as unto the duties annexed unto an office, as in the case of Uzziah invading the priesthood, or of taking a ministerial office without call or mission, as Jer. xxvii. 9, 14, 15, having respect unto the order of God's institutions, may be pleaded in this case.

10. Whoever, therefore, takes upon him the pastoral office without a lawful outward call, doth take unto himself power and authority without any divine warranty, which is a foundation of all disorder and confusion; interests himself in an accountable

trust, no way committed unto him ; hath no promise of assistance in, or reward for his work, but engageth in that which is destructive of all church order, and, consequently, of the very being of the church itself.

11. Yet there are three things that are to be annexed unto this assertion by way of limitation : as, (1.) Many things performed by virtue of office, in a way of authority, may be performed by others not called to office, in a way of charity. Such are the moral duties of exhorting, admonishing, comforting, instructing, and praying with, and for one another. (2.) Spiritual gifts may be exercised unto the edification of others, without office power, where order and opportunity do require it. But the constant exercise of spiritual gifts in preaching, with a refusal of undertaking a ministerial office, or without design so to do upon a lawful call, cannot be approved. (3.) The rules proposed concern only ordinary cases, and the ordinary state of the church ; extraordinary cases are accompanied with a warranty in themselves for extraordinary actings and duties.

12. The call of persons unto the pastoral office is an act and duty of the church. It is not an act of the political magistrate, not of the Pope, not of any single prelate, but of the whole church, unto whom the Lord Christ hath committed the "keys of the kingdom of heaven." And, indeed, although there be great differences about the nature and manner of the call of men unto this office, yet none who understand aught of these things, can deny, but that it is an act and duty of the church ; which the church alone is empowered by Christ to put forth and exert. But this will more fully appear in the consideration of the nature and manner of this call of men unto the pastoral office, and the actings of the church therein.

The call of persons unto the pastoral office in the church consists of two parts :—*First*, Election ; *Second*, Ordination, as it is commonly called, or sacred separation by fasting and prayer. As unto the former, four things must be inquired into :—1. What is previous unto it or preparatory for it. 2. Wherein doth it consist. 3. Its necessity, or the demonstration of its truth and institution. 4. What influence it hath into the communication of pastoral office power unto a pastor so chosen.

1. That which is previous unto it, is, the meetness of the person for his office and work, that is to be chosen. It can never be the duty of the church to call or choose an unmeet, an unqualified, an unprepared person unto this office. No pretended necessity, no outward motives, can enable or warrant it so to do, nor can it by any outward act, whatever the rule or solemnity of it be, communicate ministerial authority unto per-

sons utterly unqualified for, and incapable of the discharge of the pastoral office according to the rule of the Scripture. And this hath been one great means of debasing the ministry, and almost ruining the church itself; either by the neglect of those who suppose themselves intrusted with the whole power of ordination, or by impositions on them by secular power, and patrons of livings as they are called, with the stated regulation of their proceedings herein, by a defective law, whence there hath not been a due regard unto the antecedent preparatory qualifications of those who are called unto the ministry.

Two ways is the meetness of any one made known and to be judged of. (1.) By an evidence given of the qualifications in him before-mentioned. The church is not to call or choose any one to office who is not known unto them; of whose frame of spirit and walking they have not had some experience; not a novice, or one lately come unto them. He must be one who, by his ways and walking, hath obtained a good report, even among them that are without, so far as he is known, unless they be enemies or scoffers; and one that hath in some good measure evidenced his faith, love, and obedience unto Jesus Christ in the church. This is the chief trust that the Lord Christ hath committed unto his churches; and if they are negligent herein, or if at all adventures they will impose an officer in his house upon him without satisfaction of his meetness upon due inquiry, it is a great dishonour unto him, and provocation of him. Herein principally are churches made the overseers of their own purity and edification. To deny them an ability of a right judgment herein, or a liberty for the use and exercise of it, is error and tyranny. But that flock which "Christ purchased and purified with his own blood," is thought by some to be little better than a herd of brute beasts.* Where there is

* The argument so frequently urged by the friends of patronage, in support of the system, "that the Church of Scotland is unqualified, by the gross ignorance of her members, for the choice of her own pastors and elders," is a most cruel and cutting sarcasm on the ministers and elders of that Church. It goes on the presumption, that they have admitted into full communion with that body a vast multitude of individuals so grossly ignorant and prejudiced in error, that they cannot know the sound of the Gospel when they hear it! And, what is still worse, after they have admitted them, they, the pastors, through a negligence of duty, have suffered them to lie over in the same soul-destroying ignorance. Were it a truth, this is as plain an acknowledgment as can well be desired, that the present system of church management is working the eternal ruin of thousands, and the sooner it is altered the better.

The force of the argument lies in the supposed ignorance of the multitude, and ignorance so gross, that they cannot know the Gospel when it is preached in their hearing! For, if they are able to judge of a man

a defect of this personal knowledge for want of opportunity; it may be supplied by testimonies of unquestionable authority. (2.) By a trial of his gifts for edification. These are those spiritual endowments which the Lord Christ grants, and the Holy Spirit works in the minds of men, for this very end, that the church may be profited by them.—1 Cor. xii. 7. And we must at present take it for granted, that every true church of Christ, that is so in the matter and form of it, is able to judge, in some competent measure, what gifts of men are suited unto their own edification. But yet, in making a judgment hereof, one directive means is the advice of other elders and churches, which they are obliged to make use of by virtue of the communion of churches, and the avoidance of offence in their walk in that communion.

2. As to the nature of this election, call, or choice of a person known, tried, and judged, meetly qualified for the pastoral office, it is an act of the whole church—that is, of the fraternity with their elders, if they have any. For a pastor may be chosen unto a church which hath other teachers, elders, or officers already instated in it. In this case, their concurrence in the choice intended is necessary by way of common suffrage, not of authority or office-power. For election is not an act of authority, but of liberty and power, wherein the whole church in the fraternity is equal. If there be no officers stated in the church before, as it was with the churches in the primitive times, on the first ordination of elders among them, this election belongs unto the fraternity.

3. That, therefore, which we have now to prove is this:—That it is the mind and will of Jesus Christ that meet persons should be called unto the pastoral office (or any other office in the church) by the election and choice of the church itself

whether he is a preacher of the Gospel or not, then may they well be able to judge whether his manner and abilities suit themselves or not. But, if they are so scandalously ignorant as not to know the Gospel when it is preached, as the argument presumes, then is a terrible omission of duty concluded against their former teachers, and against the elders of the church, for admitting such shamefully ignorant persons to the ordinances of Christ.

But even were there a majority of persons in every congregation, or in the greater number of congregations, so ignorant as the argument requires before even it can have the show of reason, yet it is no very sound way of reasoning to argue, from a neglect of duty in pastors, the necessity of maintaining the system which has introduced to the church the very men thus awfully charged with negligence. Nay, were the supposition on which the argument is founded a truth, scarcely could a stronger reason be urged against the very system which it is cited to support.

The ministers of the Church of Scotland should be the last of all men in the world to hang the support of patronage on such an argument. —
Anon:

whereunto they are called, antecedently unto a sacred solemn separation unto their respective offices: for,

1. Under the Old Testament there were three ways whereby men were called unto office in the church. (1.) They were so extraordinarily and immediately by the nomination and designation of God himself. So Aaron was called unto the priesthood; and others afterward, as Samuel, to be prophets. (2.) By a law of carnal generation; so all the priests of the posterity of Aaron succeeded into the office of the priesthood, without any other call. (3.) By the choice of the people, which was the call of all the ordinary elders and rulers of the church.—Deut. i. 13. *הַמְלָכָת*. “Give to yourselves.” It was required of the people that they should, in the first place, make a judgment on their qualifications for the office whereunto they were called. Men known unto them for wise, understanding, righteous walking in the fear of God, they were to look out, and then to present them unto Moses for their separation unto office, which is election. It is true that, Exod. xiii. 15, it is said that Moses chose the elders. But it is frequent in the Scripture, that where any thing is done by many, where one is chief, that is ascribed indifferently, either to the many or to the chief director. So is it said, “Israel sent messengers.”—Numb. xxi. 21. Moses, speaking of the same things, says, “I sent messengers.”—Deut. ii. 26. So 1 Chron. xix. 19, “They made peace with David, and served him;” which is, 2 Sam. x. 19, “They made peace with Israel, and served them.” See also 2 Kings xi. 12, with 2 Chron. xxiii. 11; as also 1 Chron. xvi. 1, with 2 Sam. vi. 17; and the same may be observed in other places. Wherefore the people chose these elders under the conduct and guidance of Moses, which directs us unto the right interpretation of Acts xiv. 23, whereof we shall speak immediately.

The first of these ways was repeated in the foundation of the evangelical church. Christ himself was called unto his office by the Father, through the unction of the Spirit.—Isa. lx.; Heb. v. And he himself called the apostles and evangelists, in whom that call ceased. The second ordinary way, by the privilege of natural generation of the stock of the priests, was utterly abolished. The third way only remained for the ordinary continuation of the church—namely, by the choice and election of the church itself, with solemn separation and dedication by officers extraordinary or ordinary.

The first instance of the choice of a church-officer had a mixture in it of the first and latter way, in the case of Matthias. As he was able to be a church-officer, he had the choice and consent of the church; as he was to be an apostle or an extra-

ordinary officer, there was an immediate divine disposition of him into his office—the latter to give him apostolical authority, the former to make him a president of the future actings of the church in the call of their officers.

I say, this being the first example and pattern of the calling of any person unto office in the Christian church state, wherein there was an interposition of the ordinary actings of men, is established as a rule and precedent not to be changed, altered, or departed from, in any age of the church whatever. It is so, as unto what was of common right and equity, which belonged unto the whole church. And I cannot but wonder how men durst ever reject and disannul this divine example and rule. It will not avail them to say that it is only a matter of fact, and not a precept or institution that is recorded. For, (1.) It is a fact left on record in the Holy Scripture for our instruction and direction. (2.) It is an example of the apostles and the whole church proposed unto us, which in all things, not otherwise determined, hath the force of an institution. (3.) If there was no more in it but this, that we have a matter of common right, determined and applied by the wisdom of the apostles, and the entire church of believers at that time in the world, it were an impiety to depart from it, unless in cases of the utmost necessity.

Whereas, what is here recorded was in the call of an apostle, it strengthens the argument which hence we plead. For if, in the extraordinary call of an apostle, it was the mind of Christ that the fraternity or multitude should have the liberty of their suffrage, how much more is it certainly his mind, that in the ordinary call of their own peculiar officers, in whom, under him, the concernment is their own only, that this right should be continued unto them?

The order of the proceeding of the church herein is distinctly declared. For, (1.) The number of the church at that time—that is, of the men—was about “an hundred and twenty.”—Verse 15. (2.) They were “assembled all together” in one place, so as that Peter stood up in the midst of them.—Verse 15. (3.) Peter, in the name of the rest of the apostles, declares unto them the necessity of choosing one to be substituted in the room of Judas.—Verse 16–20. (4.) He limits the choice of him unto the especial qualification of being a “meet witness of the resurrection of Christ,” unto those who constantly accompanied him with themselves from the baptism of John—that is, his being baptized by him, whereon he began his public ministry. (5.) Among these they were left at their liberty to nominate any two, who were to be left unto the lot for a determination whether of them God designed unto the office. (6.)

Hieron the “ whole multitude ἐσησαν δύο, “ appointed two ; ” that is, the ἄνδρες ἀδελφοί, “ the men and brethren ” unto whom Peter spoke, verse 16, did so. (7.) The same persons, to promote the work, “ prayed and gave forth their lots.”—Verse 24, 26. (8.) Συγκατέψησθη Ματθίας, Matthias was, by the common suffrage of the whole church, reckoned unto the number of the apostles.

I say not that these things were done by the disciples in distinction from Peter and the rest of the apostles, but in conjunction with them. Peter did nothing without them ; nor did they any thing without him.

The exception of Bellarmine and others against this testimony is, that it was a grant and a condescension in Peter, and not a declaration of the right of the church ; that it was an extraordinary case ; that the determination of the whole was by lot, are of no validity. The pretended concession of Peter is a figment ; the case was so extraordinary as to include in it all ordinary cases for the substance of them. And although the ultimate determination of the individual person, which was necessary unto his apostleship, was immediately divine by lot, yet here is all granted unto the people—in their choosing and appointing two—in their praying—in their casting lots—in their voluntary approbatory suffrage—that is desired.

This blessed example given us by the wisdom of the apostles, yea, of the Spirit of God in them, being eminently suited unto the nature of the thing itself, as we shall see immediately, compliant with all other directions and apostolical examples in the like case, is rather to be followed, than the practice of some degenerate churches, who, to cover the turpitude of acting in deserting this example and rule, do make use of a mock-show and pretence of that which really they deny, reject, and oppose.

The second example we have of the practice of the apostles in this case, whereby the preceding rule is confirmed, is given us, Acts vi., in the election of the deacons. Had there ensued, after the choice of Matthias, an instance of a diverse practice, by an exclusion of the consent of the people, the former might have been evaded, as that which was absolutely extraordinary, and not obliging unto the church. But this was the very next instance of the call of any church officer ; and it was the first appointment of any ordinary officers in the Christian church. For, it falling out in the very year of Christ’s ascension, there is no mention of any ordinary elders, distinct from the apostles, ordained in that church. For all the apostles themselves yet abiding there for the most part of this time, making only some occasional excursions unto other places, were able to take care

of the rule of the church, and the preaching of the word. They are indeed mentioned as those who were well known in the church not long afterwards,—chap. xi. 30. But the first instance of the call of ordinary teaching elders or pastors is not recorded. That of deacons is so by reason of the occasion of it. And we may observe concerning it unto our purpose,—

1. That the institution of the office itself was of apostolical authority, and that fulness of church power wherewith they were furnished by Jesus Christ.

2. That they did not exert that authority but upon such reasons of it as were satisfactory to the church; which they declare, —verse 2.

3. That the action is ascribed to the twelve in general, without naming any person who spake for the rest; which renders the pretence of the Romanists from the former place, where Peter is said to have spoken unto the disciples, whereon they would have the actings of the church which ensued thereon, to have been by his concession and grant, not of their own right, altogether vain. For the rest of the apostles were as much interested and concerned in what was then spoken by Peter, as they were at this time, when the whole is ascribed unto the twelve.

4. That the church was greatly multiplied at that time, on the account of the conversion unto the faith recorded in the foregoing chapter. It is probable, indeed, that many, yea, the most of them, were returned unto their own habitations; for the next year there were churches in all Judea, Galilee, and Samaria,—chap. ix. 31. And Peter went about throughout all quarters to visit the saints that dwelt in them, verse 32, of whose conversion we read nothing but that which fell out at Jerusalem at Pentecost; but a great multitude they were,—verse 1, 2.

5. This whole multitude of the church, that is, the brethren, verse 3, “assembled in one place,” being congregated by the apostles, verse 2, who would not ordain any thing wherein they were concerned, without their own consent.

6. They judged on the whole matter proposed unto them, and gave their approbation thereof, before they entered upon the practice of it. Verse 5,—“The saying pleased the whole multitude.”

7. The qualifications of the persons to be chosen unto the office intended, are declared by the apostles, verse 3, “of honest report, full of the Holy Ghost and wisdom.”

8. These qualities the multitude were to judge upon, and so absolutely of the meetness of any for this office.

9. The choice is wholly committed and left unto them by the apostles, as that which of right did belong unto them : “ Look you out among you : ” which they made use of, choosing them unto the office by their common suffrage,—verse 5.

10. Having thus chosen them, they presented them as their chosen officers unto the apostles, to be by them set apart unto the exercise of their office by prayer and imposition of hands,—verse 6.

It is impossible there should be a more evident convincing instance and example of the free choice of ecclesiastical officers by the multitude or fraternity of the church, than is given us herein. Nor was there any ground or reason why this order and process should be observed, why the apostles would not themselves nominate and appoint persons whom they saw and knew meet for this office, to receive it, but that it was the right and liberty of the people, according to the mind of Christ, to choose their own officers, which they would not abridge nor infringe.

So was it then, οὐτω καὶ νῦν γίνεσθαι ἔδει, saith Chrysostom on the place, and so it ought now to be ; but the usage began to decline. It were well if some would consider how the apostles at that time treated that multitude of the people, which is so much now despised, and utterly excluded from all concern in church affairs, but what consists in servile subjection. But they have, in this pattern and precedent for the future ordering of the calling of meet persons to office in the church, their interest, power, and privilege secured unto them, so as that they can never justly be deprived of it. And if there were nothing herein, but only a record of the wisdom of the apostles in managing church affairs, it is marvellous to me, that any who would be thought to succeed them in any part of their trust and office, should dare to depart from the example set before them by the Holy Ghost in them, preferring their own ways and inventions above it. I shall ever judge that there is more safety in a strict adherence unto this apostolical practice and example, than in a compliance with all the canons of councils or churches afterward.

The only objection usually insisted on, that is by Bellarmine and those that follow him, is—That this being the election of deacons to manage the alms of the church, that is, somewhat of their temporals, nothing can thence be concluded unto the right or way of calling bishops, pastors, or elders, who are to take care of the souls of the people. They may indeed be able to judge of the fitness of them who are to be intrusted with their purses, or what they are willing to give out of them ; but it doth not thence follow, that they are able to judge of the

fitness of those who are to be their spiritual pastors, nor to have the choice of them.

Nothing can be weaker than this pretence or evasion. For, (1.) The question is concerning the calling of persons unto office in the church in general, whereof we have here a rule, whereunto no exception is any way entered. (2.) This cannot be fairly pleaded by them who appoint deacons to preach, baptize, and officiate publicly in all holy things, excepting only the administration of the eucharist. (3.) If the people are meet and able to judge of them who are of "honest report, and full of the Holy Ghost and wisdom," which is here required of them, they are able to judge who are meet to be their pastors. (4.) The argument holds strongly on the other side; namely, that if it be right and equal, if it be of divine appointment and apostolical practice, that the people should choose those who were to collect and distribute their charitable benevolence because of their concernment therein, much more are they to enjoy the same liberty, right, and privilege in the choice of their pastors, unto whom they commit the care of their souls, and submit themselves unto their authority in the Lord.

3. Accordingly, they did use the same liberty in the choice of their elders, Acts xiv. 23. *Χειροτονήσαντες αὐτοῖς πρεσβυτέρους κατ' ἐκκλησίαν, προσευξάμενοι μετὰ νηστειῶν;*; that is, say Erasmus, Vatablus, Beza, all our old English translations, appointing, ordaining, creating elders by election or the suffrage of the disciples, having prayed with fastings. The whole order of the sacred separation of persons qualified unto the office of the ministry, that is, to be bishops, elders, or pastors, is here clearly represented. For (1.) They were "chosen by the people," the apostles who were present, namely Paul and Barnabas, presiding in the action, directing of it, and confirming that by their consent with them. (2.) A time of prayer and fasting was appointed for the action, or discharge of the duty of the church herein. (3.) When they were so chosen, the apostles present solemnly prayed, whereby their ordination was complete. And those who would have the *χειροτονία* here mentioned to be *χειροθεσία*, or an authoritative imposition of hands, wherein this ordination did consist, do say there is an *ἰστερολογία* in the words; that is, they feign a disorder in them, to serve their own hypothesis. For they suppose that their complete ordination was effected, before there was any prayer with fasting; for by imposition of hands, in their judgment, ordination is completed; so Bellarmine, A lapide, on the place, with those that follow them. But first to pervert the true signification of the word, and then to give countenance unto that wresting of it by assigning a disorder

unto the words of the whole sentence, and that such a disorder as makes in their judgment a false representation of the matter of fact related, is a way of the interpretation of Scripture which will serve any turn. 4. This was done in every church, or in every congregation, as Tindal renders the word; namely, in all the particular congregations that were gathered in those parts; for that collection and constitution did always precede the election and ordination of their officers, as is plain in this place; as also Tit. i. 5. So far is it from truth, that the being of churches dependeth on the successive ordination of their officers, that the church essentially considered is always antecedent unto their being and call.

But because it is some men's interest to entangle things plain and clear enough in themselves, I shall consider the objections unto this rendition of the words. The whole of it lies against the signification, use, and application of *χειροτονήσαντες*. Now, although we do not here argue merely from the signification of the word, but from the representation of the matter of fact made in the context; yet I shall observe some things sufficient for the removal of that objection: as,

1. The native signification of *χειροτονέω*, by virtue of its composition, is, to "lift up," or "stretch forth the hands," or a hand. And hereunto the LXX. have respect, Isa. lviii. 9, where they render γεννα πλην, "the putting forth of the finger," which is used in an ill sense, by *χειροτονία*. *Χειροτονεῖν* is the same with, τὰς χεῖρας αἴρειν, nor is it ever used in any other signification.

2. The first constant use of it in things political or civil, and so consequently ecclesiastical, is to elect, choose, design, or create, any person an officer, magistrate, or ruler, by suffrage, or common consent of those concerned. And this was usually done with making bare the hand and arm, with lifting up, as Aristophanes witnesseth. "Ομως δὲ χειροτονητέον, ἐξωμισήσαις τὸν ἵπερον βραχιώνα. He is a great stranger unto these things, who knoweth not that among the Greeks, especially the Athenians, from whom the use of this word is borrowed or taken, *χειροτονία* was an act δηλητῆς τῆς ἐκκλησίας, "of the whole assembly" of the people in the choice of their officers and magistrates. *Χειροτονέω* is, by common suffrage to decree and determine of any thing, law, or order; and when applied unto persons, it signifies their choice and designation to office. So is it used in the first sense by Demosthenes, *Orat. in Timoch.* ὁ δῆμος τὰς ἴμας γνώμας περὶ συντερίας τῆς πόλεως ἔχειρέσσονει; "The people confirmed my sayings by their suffrage:" and in the other, Philip. ii. Οὔτε βουλῆς, οὔτε δῆμου *χειροτονήσαντες*

αὐτὸν ; “neither the senate nor the people choosing him to his office.” So is the passive verb used to be created by suffrage. *Χειροτονία* was the act of choosing, whose effect was *ψήφισμα*, the determining vote or suffrage. *Porrexerunt manus, Psephisma notum est*, saith Cicero, speaking of the manner of the Greeks. And when there was a division in choice, it was determined by the greater suffrage,—*Thucid.* lib. 3. Ἐγένοντο δὲ ἐν τῇ Χειροτονίᾳ ἀγχώματοι, ἐκράγος δὲ ἡ τοῦ διδότου. As many instances of this nature may be produced, as there are reports of calling men unto magistracy by election in the Greek historians. And all the farther compositions of the word do signify to choose, confirm, or to abrogate, by common suffrages.

3. The word is but once more used in the New Testament, 2 Cor. viii. 19, where it plainly signifies election and choice of a person to an employment, *Χειροτονηθεὶς ὑπὸ τῶν ἐκκλησιῶν συνέκδημος ἦμῶν*. “He was chosen of the churches to travel with us.”

4. It is acknowledged, that after this was the common use of the word, it was applied to signify the thing itself, and not the manner of doing it. Hence it is used sometimes for the obtaining or collation of authority, or dignity, or magistracy, any manner of way, though not by election : “to appoint,” “to create.” But this was by an abusive application of the word, to express the thing itself intended, without regard unto its signification and proper use. Why such a use of it should be here admitted, no reason can be given. For in all other places on such occasions, the apostles did admit, and direct the churches to use their liberty in their choice. So the “apostles and elders, with the whole church, sent chosen men of their own company to Antioch,” such as they chose by common suffrage for that end ; so again, verse 25, “I will send whom you shall approve,”—1 Cor. xvi. 3. The church chose them, the apostle sent him “who was chosen by the church to be our companion,”—2 Cor. viii. 19. “Look out from among yourselves,”—Acts vi. If on all these and the like occasions, the apostles did guide and direct the people in their right and use of their liberty, as unto the election of persons unto offices and employments, when the churches themselves are concerned, what reason is there to depart from the proper and usual signification of the word in this place, denoting nothing but what was the common practice of the apostles on the like occasions ?

5. That which alone is objected hereunto by Bellarmine and others who follow him, and borrow their whole in this case from him, namely, that *Χειροτονήσαντες*, grammatically agreeing with and regulated by Paul and Barnabas, denotes their act, and

not any act of the people, is of no force. For, (1.) Paul and Barnabas did preside in the whole action, helping, ordering, and disposing of the people in the discharge of their duty, as is meet to be done by some on all the like occasions. And therefore it is truly said of them, that they appointed elders by the suffrage of the people. (2.) I have showed instances before out of the Scripture, that when a thing is done by the people, it is usual to ascribe it unto him or them who were chief therein, as elsewhere the same thing is ascribed unto the whole people.

The same authors contend that the liberty of choosing their own officers or elders, such as it was, was granted unto them, or permitted by way of condescension for a season; and not made use of by virtue of any right in them thereunto. But this permission is a mere imagination. It was according to the mind of Christ, that the churches should choose their own elders, or it was not. If it were not, the apostles would not have permitted it; and if it were, they ought to ordain it, and practise according to it, as they did. Nor is such a constant apostolical practice proposed for the direction of the church in all ages, to be ascribed unto such an original as condescension and permission. Yea, it is evident, that it arose from the most fundamental principles of the constitution and nature of the gospel churches, and was only a regular pursuit and practice of them: for,

1. The calling of bishops, pastors, elders, is an act of the “power of the keys” of the kingdom of heaven. But these keys are originally and properly given unto the whole church, unto the elders of it only ministerially; and as unto exercise, pastors are eyes to the church: but God and nature design, in the first place, light to the whole body, to the whole person, thereunto it is granted both subjectively and finally, but actually it is peculiarly seated in the eye. So is it in the grant of church power, it is given to the whole church, though to be exercised only by its elders.

That the grant of the keys unto Peter was in the person, and as the representative of the whole confessing church, is the known judgment of Austin, and a multitude of divines that follow him. So he fully expresseth himself, *Tractat. 124, in Johan.* “Peter the apostle bare in a general figure the person of the church. For as unto what belonged unto himself, he was by nature one man, by grace one Christian, and of special mere abounding grace, one and the chief apostle. But when it was said unto him, I will give unto thee the keys of the kingdom of heaven, &c., he signified the whole church, &c. Again, the church which is founded in Christ, received from him, in

(the person of) Peter, the keys of the kingdom of heaven, which is the power of binding and loosing."

Unto whom these keys are granted, they, according to their distinct interests in that grant, have the right and power of calling their bishops, pastors, or elders; for in the exercise of that trust and power it doth consist. But this is made unto the whole church. And as there are in a church already constituted several sorts of persons, as some are elders, others are of the people only, this right resideth in them, and is acted by them according to their respective capacities, as limited by the light of nature and divine institution, which is, that the election of them should belong unto the body of the people, and their authoritative designation or ordination unto the elders. And when in any place the supreme magistrate is a member or part of the church, he hath also his peculiar right herein.

That the power of the keys is thus granted originally and fundamentally unto the whole church, is undeniably confirmed by two arguments.

1. The church itself is the wife, the spouse, the bride, the queen of the husband and king of the church, Christ Jesus, Psalm xlvi. 10; John iii. 29; Rev. xxi. 9, xxii. 17; Matt. xxv. 1, 5, 6. Other wife Christ hath none, nor hath the church any other husband. Now, to whom should the keys of the house be committed but unto the bride? There is, I confess, another who claims the keys to be his own, but withal, he makes himself the head and husband of the church, proclaiming himself, not only to be an adulterer with that harlot which he calleth the church, but a tyrant also, in that pretending to be her husband, he will not trust her with the keys of his house, which Christ hath done with his spouse. And whereas by the canon law every bishop is the husband or spouse of this diocesan church, for the most part they commit an open rape upon the people, taking them without their consent; at least are not chosen by them, which yet is essential unto a lawful marriage. And the bride of Christ comes no otherwise so to be, but by the voluntary choice of him to be her husband.

For the officers or rulers of the church, they do belong unto it as hers, 1 Cor. iii. 21, 22; and "stewards in the house," 1 Cor. iv. 1; the "servants of the church for Jesus' sake," 2 Cor. iv. 5.

If the Lord Christ have the keys of the kingdom of heaven, that is, of "his own house," Heb. iii; if the church itself be the "spouse of Christ," the "mother of the family," Psalm lxviii. 13, the bride, the lamb's wife; and if all the officers of the church be but stewards and servants in the house and unto

the family ; if the Lord Christ do make a grant of these keys unto any, whereon the disposal of all things in this house and family doth depend, the question is—Whether he hath originally granted them unto this holy spouse to dispose of according unto her judgment and duty, or unto any servants in the house, to dispose of her, and all her concernments, at their pleasure ?

2. The power of the keys as unto binding and loosing, and consequently as unto all other acts thence proceeding, is expressly granted unto the whole church, Matt. xviii. 17, 18 : “ If he shall neglect to hear them, tell it unto the church ; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican. Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven ; and whatsoever ye shall loose on earth shall be loosed in heaven.” What church it is that is here intended, we have proved before ; and that the church is intrusted with the power of binding and loosing. And what is the part of the body of the people herein, the apostle declares, 1 Cor. v. 4 ; 2 Cor. ii. 6.

Secondly, This right, exemplified in apostolical practice, is comprehended in the commands given unto the church, or body of the people, with respect unto teachers and rulers of all sorts ; for unto them it is in a multitude of places given in charge that they should discern and “ try false prophets, fly from them ; try spirits,” or such as pretend spiritual gifts or offices ; reject them who preach false doctrine, to give testimony unto them that are to be in office ; with sundry other things of the like nature, which all of them do suppose, or cannot be discharged without a right in them to choose the worthy, and reject the unworthy, as Cyprian speaks.—See Matt. vii. 17 ; John v. 39 ; Gal. xi. 9 ; 1 Thess. v. 19—21 ; 1 John iv. 1 ; 2 John 10, 11.

What is objected hereunto from the unfitness and disability of the people, to make a right judgment concerning them who are to be their pastors and rulers, labours with a threefold weakness. For, (1.) It reflects dishonour upon the wisdom of Christ in commanding them the observance and discharge of such duties, as they are no way meet for. (2.) It proceeds upon a supposition of that degenerate state of churches in their members, as to light, knowledge, wisdom and holiness, which they are for the most part fallen into ; which must not be allowed to have the force of argument in it ; when it is to be lamented, and ought to be reformed. (3.) It supposeth that there is no supply of assistance provided for the people, in the discharge of their duty, to guide and direct them therein ; which

is otherwise, seeing the elders of the church wherein any such election is made, and those of other churches in communion with that church, are, by the common advice and declaration of their judgment, to be assistant unto them.

Thirdly, The church is a voluntary society. Persons otherwise absolutely free, as unto all the rules, laws and ends of such a society, do of their own wills and free choice coalesce into it. This is the original of all churches, as hath been declared. "They gave their own selves to the Lord, and unto us by the will of God," 2 Cor. viii. 5. Herein neither by prescription, nor tradition, nor succession, hath any one more power or authority than another; but they are all equal. It is gathered into this society merely by the authority of Christ; and where it is so collected, it hath neither right, power, privilege, rules nor bonds as such, but what are given, prescribed, and limited by the institution and laws of Christ. Moreover, it abides and continues on the same grounds and principles as whereon it was collected, namely, the wills of the members of it subjected unto the commands of Christ. This is as necessary unto its present continuance in all its members, as it was in its first plantation. It is not like the political societies of the world, which being first established by force or consent, bring a necessity on all that are born in them and under them, to comply with their rule and laws. For men may, and in many cases ought, to submit unto the disposal of temporal things, in a way, it may be, not convenient for them, which they judge not well of, and which in many things is not unto their advantage. And this may be just and equal, because the special good which every one would aim at, being not absolutely so, may be outbalanced by a general good, nor alterable, but by the prejudice of that which is good in particular. But with reference unto things spiritual and eternal, it is not so. No man can by any previous law be concluded as unto his interest in such things; nor is there any general good to be attained by the loss of any of them. None, therefore, can coalesce in such a society, or adhere unto it, or be any way belonging unto it, but by his own free choice and consent. And it is inquired, how it is possible that any rule, authority, power, or office, should arise or be erected in such a society? We speak of that which is ordinary; for he by whom this church-state is erected and appointed, may, and did, appoint in it, and over it, extraordinary officers for a season. And we do suppose, that as he hath by his divine authority instituted and appointed that such societies shall be, that he hath made grant of privileges and powers to them proper and sufficient for this end; as also, that he hath

given laws and rules, by the observance whereof they may be made partakers of those privileges and powers, with a right unto their exercise.

On these suppositions in a society absolutely voluntary, among those who in their conjunction into it, by their own consent, are every way equal, there can but three things be required unto the actual constitution of rule and office among them. And the first is—That there be some among them that are fitted and qualified for the discharge of such an office in a peculiar manner above others. This is previous unto all government, beyond that which is purely natural and necessary. *Principio rerum, gentium nationumque imperium penes reges erat; quos ad fastigium hujus majestatis, non popularis ambitio, sed spectata inter bonos moderatio provehebat.*—Just. So it was in the world, so it was in the church. *Præsident probati quique seniores, honorem istum non pretio sed testimonio adepti.*—Tertull. This preparation and furniture of some persons with abilities and meet qualifications for office and work in the church, the Lord Christ hath taken on himself, and doth and will effect it in all generations. Without this there can be neither office, nor rule, nor order, in the church.

2. Whereas, there is a new relation to be made or created between a pastor, bishop, or elder, and the church, which was not before between them (a bishop and a church, a pastor and a flock are *relata's*), it must be introduced at the same time by the mutual voluntary acts of one another, or of each party. For one of the *relata* can, as such, have no being or existence without the other. Now, this can no otherwise be, but by the consent and voluntary subjection of the church unto persons so antecedently qualified for office, according to the law and will of Christ. For it cannot be done by the delegation of power and authority from any other superior or equal unto them that do receive it. Neither the nature of this power, which is incapable of such a delegation, nor the relation unto Christ of all those who are pastors of the church, will admit of an interposition of authority by way of delegation of power from themselves in other men, which would make them their ministers, and not Christ's; nor is it consistent with the nature of such a voluntary society. This, therefore, can no way be done, but by free choice, election, consent, or approbation. It cannot, I say, be so regularly. How far an irregularity herein may vitiate the whole call of a minister, we do not now inquire.

Now this choice or election doth not communicate a power from them that choose unto them that are chosen, as though such a power as that whereunto they are called should be

formally inherent in the choosers, antecedent unto such choice. For this would make those that are chosen to be their minister only; and to act all things in their name, and by virtue of authority derived from them. It is only an instrumental, ministerial means to instate them in that power and authority which is given unto such officers by the constitution and laws of Christ, whose ministers thereon they are. These gifts, offices, and officers, being granted by Christ unto the churches (Eph. iv. 12), wherever there is a church called according to his mind, they do in and by their choice of them, submit themselves unto them in the Lord, according unto all the powers and duties wherewith they are by him intrusted, and whereunto they are called.

3. It is required that persons so chosen, so submitted unto, be so solemnly separated, dedicated unto, and confirmed in their office by fasting and prayer. As this is consonant unto the light of nature, which directs into a solemnity in the susception of public officers; whence proceeds the coronation of kings, which gives them not their title, but solemnly proclaims it, which on many accounts is unto the advantage of government; so it is prescribed unto the church in this case by especial institution. But hereof I shall speak farther immediately.

This order of calling men unto the pastoral office, namely, by their previous qualifications for the ministry, whereby a general designation of the persons to be called is made by Christ himself; the orderly choice or election of him in a voluntary subjection unto him in the Lord, according to the mind of Christ, by the church itself; followed with solemn ordination, or setting apart unto the office and discharge of it by prayer with fasting, all in obedience unto the commands and institution of Christ, whereunto the communication of office-power and privilege, is by law-constitution annexed, is suited unto the light of reason, in all such cases, the nature of Gospel societies in order or churches; the ends of the ministry, the power committed by Christ unto the church, and confirmed by apostolical practice and example.

Herein we rest, without any farther dispute, or limiting the formal cause of the communication of office-power unto any one act or duty of the church, or of the bishops or elders of it. All the three things mentioned are essential thereunto; and when any of them are utterly neglected, where they are neither formally nor virtually, there is no lawful regular call unto the ministry according to the mind of Christ.

This order was a long time observed in the ancient church inviolate; and the footsteps of it may be traced through all ages of the church; although it first gradually decayed, then

was perverted and corrupted, until it issued (as in the Roman church), in a pageant and show, instead of the reality of the things themselves: for the trial and approbation of spiritual endowments previously necessary unto the call of any, was left unto the pedantic examination of the bishop's domestics, who knew nothing of them in themselves; the election and approbation of the people was turned into a mock-show in the sight of God and men, a deacon calling out, that if any had objections against him who was to be ordained, they should come forth and speak; whereunto another cries out of a corner by compact—He is learned and worthy; and ordination was esteemed to consist only in the outward sign of imposition of hands, with some other ceremonies annexed thereunto, whereby, without any other consideration, there ensued a flux of power from the ordinators unto the ordained.

But from the beginning it was not so. And some few instances of the right of the people, and the exercise of it in the choice of their own pastores, may be touched on in our passage. *Clem. Epist. ad Corinth.* affirms—That the apostles themselves appointed approved persons unto the office of the ministry, *συνεδοκησάσης τῆς ἐκκλησίας πάσης*, “by or with the consent or choice of the whole church.” *Συνεδοκεῖν*, is “to enact by common consent,” which makes it somewhat strange, that a learned man should think that the right of the people in elections is excluded in this very place by Clemens, from what is assigned unto the apostles in ordination.

Ignat. Epist. ad Philadelph. Ήρέτον ἔστιν ὑμῖν, ὡς ἐκκλησία Θεοῦ, χειροτονήσαι ἐπίσκοπον, writing to the fraternity of the church, “it becomes you, as a church of God, to choose or ordain a bishop.”

Tertull. Apol. *Prasident probati quique seniores, honorem tisum non pretio, sed testimonio adepti*,—“the elders came unto their honour or office by the testimony of the people;” that is, by their suffrage in their election.

Origen, in the close of his last book against Celsus, discoursing expressly of the calling and constitution of churches or cities of God, speaking of the elders and rulers of them, affirms, that they are *ἐπλεγόμενοι*, “chosen to their office” by the churches which they do rule.

The testimony given by Cyprian in sundry places unto this right of the people, especially in Epist. 68, unto the elders and people of some churches in Spain, is so known, so frequently urged, and excepted against to so little purpose, as that it is no way needful to insist again upon it. Some few things I shall only observe concerning and out of that epistle,—as,

1. It was not a single epistle of his own more ordinary occasions, but a determination upon a weighty question made by a synod of bishops or elders, in whose name, as well as that of Cyprian, it was written and sent unto the churches who had craved their advice.

2. He doth not only assert the right of the people to choose worthy persons to be their bishops, and reject those that are unworthy, but also industriously proves it so to be their right by divine institution and appointment.

3. He declares it to be the sin of the people if they neglect the use and exercise of their right and power in rejecting and withdrawing themselves from the communion of unworthy pastors, and choosing others in their room.

4. He affirms that this was the practice, not only of the churches of Africa, but of those in most of the other provinces of the empire. Some passages in his discourse, wherein all these things are asserted, I shall transcribe in the order wherein they lie in the epistle :—

“Nec sibi plebs blandiatur, quasi immunis esse a contagio delicti possit cum sacerdote peccatore communicans, et ad injustum et illicitum præpositi sui Episcopatum consensum suum commodiens. Propter quod plebs obsequens præceptis dominicis et Deum metuens, a peccatore præposito separare se debet; nec se ad sacrilegi sacerdotis sacrificia miscere; quando ipsa maxime habeat potestatem vel eligendi dignos sacerdotes, vel indignos recusandi; quod et ipsum videmus de divina autoritate descendere.”

“For this cause the people, obedient to the commands of our Lord, and fearing God, ought to separate themselves from a wicked bishop, nor mix themselves with the worship of a sacrilegious priest. For they principally have the power of choosing the worthy priests, and rejecting the unworthy, which comes from divine authority or appointment;” as he proves from the Old and New Testament. Nothing can be spoken more fully representing the truth which we plead for. He assigns unto the people a right and power of separating from unworthy pastors, of rejecting or deposing them, and that gaanted to them by divine authority.

And this power of election in the people, he proves from the apostolical practice before insisted on :—“*Quod postea secundum divina magisteria observatur in Actis apostolorum, quando in ordinando in locum Jude Episcopo, Petrus ad plebem loquitur. Surrexit, inquit, Petrus in medio dissentium, fuit autem turba in uno. Nec hoc in Episcoporum tantum et sacerdotum, sed in diaconorum ordinationibus observasse apostolos, de quo et ipso in actis eorum scriptum est. Et convocarunt, inquit, duodecim, totam plebem discipulorum, et dixerunt eis,*” &c.

"According unto the divine commands, the same course was observed in the Acts of the Apostles;" whereof he gives instances in the election of Matthias (Acts i.), and of the deacons, (chap. vi.)

And afterwards speaking of ordination, "*De universæ fraternalitatis suffragio*," "by the suffrage of the whole brotherhood of the church," he says, "*Diligenter de traditione divina, et apostolica observatione servandum est et tenendum apud nos quoque ut fere per universas provincias tenetur*—" According to which divine tradition and apostolical practice, this custom is to be preserved and kept amongst us also, as it is almost through all the provinces."

Those who are not moved with his authority, yet I think have reason to believe him in a matter of fact, of what was done every where, or almost every where, in his own days; and they may take time to answer his reasons when they can, which comprise the substance of all that we plead in this case.

But the testimonies in following ages given unto this right and power of the people, in choosing their own church-officers, bishops, and others, recorded in the decrees of councils, the writings of the learned men in them, the rescripts of popes, and constitutions of emperors, are so fully and faithfully collected by Blondellus in the third part of his *Apology for the Judgment of Jerom about Episcopacy*, as that nothing can be added unto his diligence, nor is there any need of farther confirmation of the truth in this behalf.

The pretence also of Ballarmine (the great champion of Popery), and others who follow him, and borrow their conceits from him, that this liberty of the people, in choosing their own bishops and pastors, was granted unto them at first by way of indulgence or connivance; and that being abused by them, and turned into disorder, was gradually taken from them, until it issued in that shameful mocking of God and man, which is in use in the Roman church, when at the ordination of a bishop or priest one deacon makes a demand—Whether the person to be ordained be approved by the people? and another answers out of a corner—That the people approve him,—have been so confuted by Protestant writers of all sorts, that it is needless to insist any longer on them.

Indeed, the concessions that are made, that this ancient practice of the church, in the people's choosing their own officers (which to deny, is all one as to deny that the sun gives light at noon-day), is, as unto its right, by various degrees transferred into popes, patrons, and bishops, with a representation in a mere pageantry, of the people's liberty to make objections

against them that are to be ordained, are as fair a concession of the gradual apostasy of churches from their original order and constitution, as need be desired.

This power and right which we assign unto the people, is not to act itself only in a subsequent consent unto one that is ordained, in the acceptance of him to be their bishop or pastor. How far that may salve the defect and disorder of the omission of previous elections, and so preserve the essence of the ministerial call, I do not now inquire. But that which we plead for is the power and right of election to be exercised previously unto the solemn ordination or setting apart of any unto the pastoral office, communicative of office-power in its own kind unto the person chosen.

THE END.

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ARE THE OPINIONS

OF

THE CHRISTIAN PEOPLE

IN REGARD TO

THEIR PASTORS,

DESERVING OF SERIOUS CONSIDERATION? *

BY PHILIP DODDRIDGE, D.D.

Interdum vulgus rectum videt.—Hor.

It was the observation of Dr Burnet, almost forty years ago, in his incomparable discourse on the pastoral care, “That the Dissenters had then, in a great measure, lost that good character for strictness in religion, which had gained them their credit, and made such numbers fall off to them.”† Whether that good character has since been recovered, or has not been more and more declining, some others are more capable of judging; but I think it calls for our serious reflection. And if we find, upon inquiry, that this our glory is departing, it surely deserves to be mentioned, as one cause, at least, of the decay of our interest; and that all who sincerely wish well to it, should express their affection, by exerting themselves with the utmost zeal, for the revival of practical religion amongst us.

This must be our common care, according to the various

* Abridged from “Free Thoughts on the most probable means of Reviving the Dissenting Interest, occasioned by the late Inquiry into the Causes of its Decay. Addressed to the Author of that Inquiry.”—First printed in 1730. (These remarks are, of course, doubly applicable to a National Church, whose ministers profess to offer instruction to the whole people of a kingdom.)

† Cap. viii. p. 204.

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stations in which Providence has placed us ; and as for ministers, nothing can be more evident, than that they, by virtue of their office, are under peculiar obligations to it. And in order to pursue it with the greater advantage, I cannot but think that it should be their concern, TO STUDY THE CHARACTER AND TEMPER OF THEIR PEOPLE ; that, so far as they can do it with conscience and honour, they may render themselves agreeable to them, both in their public ministrations and their private converse.

This, Sir, is so obvious a thought, that one would imagine it could not be overlooked or disputed ; yet it is certain our interest has received considerable damage for want of a becoming regard to it, especially in those who have been setting out in the ministry amongst us. It was therefore, Sir, with great surprise, that I found you had entirely omitted it in your late Inquiry, and had dropt some hints, which (though to be sure you did not intend it) may very probably lead young preachers into a different and contrary way of thinking ; than which hardly any thing can be more prejudicial, either to them, or to the cause in which they are embarked.

The passage of yours to which I principally refer, is in the 33d and 34th pages of your Inquiry ; where, amongst other things, you observe, that "a great many of those things that please the people, have often a very bad tendency in general." And you add, "the being pleased, which they so much insist upon, seldom arises from any thing but some oddness that hits their peculiar humour, and is not from any view to edification at all, and therefore too mean to be worthy any one's study. The people do not usually know wherein oratory, strength of speech, the art of persuasion, &c., consist ; and therefore it is vanity in such to pretend to be judges of them. I wish I could deny, that, amongst us, they generally fall into the falsest and lowest taste imaginable."

There is, no doubt, Sir, a mixture of truth and good sense in some of these remarks ; but, for want of being sufficiently guarded, they seem liable to the most fatal abuse. I frankly confess, that when I began to preach, I should have read such a passage with transport, and should very briskly have concluded from it (as many of us are ready enough to conclude without it), that, with regard to our public discourses, we had nothing to do but to take care that our reasoning were conclusive, our method natural, our language elegant, and our delivery decent ; and after all this, if the people did not give us a favourable reception, the fault was to be charged on a perverseness of humour, which they should learn to sacrifice to good sense, and

the taste of those who were more judicious than themselves ; and, in the meantime, were the proper object of contempt, rather than regard.

I say not, Sir, that what I have now been quoting from your letter, would lay a just foundation for such a wild conclusion ; but I apprehend, that a rash young man, ignorant of the world, and full of himself, might probably draw such a conclusion from it. And if such a conclusion were to be universally received and acted upon, by the rising generation of ministers, it must, in a few years, be the destruction of our interest, unless the taste of our people should be miraculously changed.

I am not so absurd and perverse as to “ assert, that learning and politeness will be the ruin of our cause,” * nor have I ever met with any that maintained so extravagant an opinion. But surely, Sir, a cause may be ruined by learned and polite men, if, with their other furniture, they have not religion and prudence too ; and I hardly conceive how a minister, who is possessed of both these, can be unconcerned about the acceptance he meets with from the populace ; or can ever imagine that the dissenting interest is generally to be supported in the contempt or neglect of them.

I cannot believe, Sir, that a gentleman of your good sense intended to teach us such a contempt. Had religion, and the souls of men, been entirely out of the question, and had you considered us only as persons whose business it is to speak in public, you well know that such a thought had been directly contrary to the plainest principles of reason, and the rules of those amongst the ancients, as well as the moderns, who were the greatest masters in that profession. You will readily allow (what no thinking man can dispute), that a true, skilful, unpopular orator, is a direct contradiction in terms. And I question not, Sir, but that you could, in a few hours, throw together whole pages of quotations, from Aristotle, Quintilian, Longinus, and especially from Tully (not to mention Rapin, Gilbert, Fenelon, and Bishop Burnet), which all speak the same language. You know that Tully, in particular, declares, not only “ that he desired his own eloquence might be approved by the people,” † but that his friends might accommodate their discourse to them ; and therefore says to Brutus, “ Speak to me and to the people.” ‡ And this he carries so far as to say, “ that

* Inquiry, p. 36.

† Eloquentiam autem meam POPULO probare velim.—*Cic.* Orationes, quas nos multitudinis judicio probari volebamus ; POPULARIS enim est illa facultas et effectus eloquentia est audientium ad probatio.—*Tusc. Disp.*, lib. 2, sub. init.

‡ Mihi cane et populo, mi Brute, dixerim.—*Ibid.*

whatever the people approve, must also be approved by the learned and judicious;”* and “that men of sense never differed from the populace in their judgment of oratory;”† and that to speak in a manner not adapted to their capacity and the COMMON SENSE of mankind, is the greatest fault an orator can commit.‡ These were the sentiments of Tully on a subject peculiarly his own. And few that have ever heard of Longinus, are strangers to that celebrated passage, in which he makes it the test of the true sublime, that it strikes persons of all tastes and educations, the meanest as well as the greatest.||

But, indeed (as I hinted above), the necessity of an orator’s accommodating himself to the taste of the people, depends not on the authority of the greatest writers, but on the apparent principles of reason, obvious to COMMON SENSE; since without it the ends of his undertaking cannot possibly be answered, as the people will neither be instructed nor persuaded by what he says.

Again, if the matter were to be considered merely in a *political* view, and with regard to the support of our interest, as a separate body of men, I can imagine nothing more imprudent, in present circumstances at least, than a neglect of the populace (by which I mean all plain people of low education and vulgar taste, who are strangers to the refinements of learning and politeness). It is certain they constitute, at least, nine parts in ten of most of our congregations, and are generally the supports of the meetings they belong to, by their subscriptions as well as their attendance. In boroughs (especially) several of them have a vote for members of Parliament, and are so numerous, as to have it in their power frequently to turn the balance, by throwing themselves into one scale or the other. Now, to speak plainly, Sir, I apprehend it is chiefly this that makes us considerable to many, who have no regard at all to our religious principles. And to the bulk of mankind, there is something in the very idea of a large place, and a crowded auditory, which strikes the thought, and secures a society from that contempt, which might perhaps fall upon persons of the most valuable characters amongst them, if they stood alone as the support of the interest, and appeared in their assemblies but as an handful of men.

* Quod—probat multitudo, hoc idem doctis probandum est.—*Tusc. Disp.*, lib. 2, *sub init.*

† —Nunquam fuit populo cum doctis intelligentibusque dissensio.

‡ In dicendo vitium vel maximum est a vulgari genere orationis atque a consuetudine communis sensus abhorre.—*Cic.*

|| Ολας δι καλά νομίζει Τύπη και αληθινα τα διαπαντος αριστοντα και πασιν ι. λ.—*Dion.*, cap. 4, *ad sin.*

Now, Sir, as this is the case, as numbers make our interest considerable, and those numbers are principally to be found amongst the common people, would you advise us ministers to neglect the people; or could you wish that any thing you have writ, should be interpreted as an encouragement of such a neglect? When we have lost our interest in them (as we must necessarily do, if we take no care to preserve it), I would fain know what must become either of *us* or *them*. As for *them*, I imagine, that many of them would grow indifferent to all religion, and seldom appear amongst us, or in any other places of divine worship; and others, of a warmer and more resolute temper, would find out ways of making us uneasy; and if they could not get rid of us any other way, would draw off to neighbouring congregations, or form new societies, and chuse ministers agreeable to their own taste, who might perhaps think it their prudence to maintain and inflame their resentments against those they had left. Thus our common interest, as Dissenters, would moulder and crumble away, by our frequent divisions and animosities. And *we*, who, by our contempt of the people, had been the occasion of them, shall have the great pleasure of being entertained with the echo of our own voices, and the delicacy of our discourses, in empty places, or amidst a little circle of friends, till, perhaps (like some of our brethren), we are starved into a good opinion of conformity; and, in the meantime, shall have the public honour of ruining the cause we undertook to support. For the generality of people, who never reason accurately, will readily conclude it was ruined by us, if it sink under our care; though you, Sir, will be so complaisant as to own, it fell by the obstinacy and perverseness of a people, “whose humour was too mean to be worthy any one’s study.”*

But, perhaps, Sir, you will tell me, that we need not be apprehensive of being driven to such extremities; for though some of the lowest of our auditors are lost, we shall gain over others to fill up their places, in a manner much more agreeable to ourselves, and more honourable to our cause in the eyes of the world. “Many gentlemen have left us, because they were ashamed of our interest, and nothing can recover them but the study of learning and politeness.”† I assure you, Sir, I am an enemy to neither; but heartily wish they may both be cultivated, so far as is consistent with our being acceptable to the people (and I apprehend, as you will afterwards perceive, they are both in a very high degree consistent with it). But I imagine it will never be worth our while to neglect and displease the people,

* Inquiry, p. 34.

† Ibid., p. 32.

in order to bring over these gentlemen, or to make other prosclytes of their rank, character, and taste.

I shall, perhaps, surprise you when I say, that I am not much charmed with your proposal, allowing it ever so practicable, and the prospect of success ever so fair. You suppose the gentlemen whom you describe have not left us upon principles of conscience, on apprehension of our being schismatics, &c. (for then no alteration in the manner of our preaching could bring them back), but merely from a delicacy of taste, and because they were ashamed to continue amongst so unpolished a people. You must then suppose, either that they acted in direct opposition to the dictates of conscience, or else, that they did not consult them at all in the affair, nor regarded any thing more than fashion or amusement in the choice of the religious assemblies with which they have joined. The former supposition charges them with an outrageous contempt both of truth and honour; and the latter, with a shameful mixture of pride and weakness, which has little of the gentleman, and less of the Christian. And I freely declare, that I think an honest mechanic, or day-labourer, who attends the meeting from a religious principle, though, perhaps, it may expose him to some ridicule amongst his neighbours, and be in some measure detrimental to his temporal affairs (which is often the case), is a much more honourable and generous creature, and deserves much greater respect from a Christian minister, than such a gentleman, with all his estate, learning, and politeness.

In the sight of God, you will readily allow, that it is so; but perhaps, Sir, you will tell me, that I am now considering the matter in a political view. It is time to recollect it, and I ask your pardon for this digression.

I shall therefore speak more directly to the point, when I answer, with all due submission, that I apprehend this scheme of bringing back these gentlemen to our assemblies, is but wild and chimerical.

If their conformity entirely depended on the delicacy of their taste, we could never expect to recover them, till we could entertain them with more polite and elegant discourses, than those which they hear in the churches they now frequent. Now, Sir, whatever your complaisance may suggest in our favour, I have not the vanity to believe, that if we and the established clergy were to try our skill in the contest, we should generally exceed them. At least, I see no such certain evidence of our being superior to them here, as should encourage us to risk the whole of our cause upon this attempt; as I imagine we should do, if we were to neglect the people.

And farther, I think there is the less reason for making so dangerous an experiment, as it is very apparent to me, that those who have left us, have not been influenced merely by such a critical exactness as you suppose. I know not any among them of a more judicious and refined taste, than some who still continue the ornaments and supports of our assemblies; and it is undeniably evident, that many who have quitted us, have acted on very different principles. Some have been influenced by secular views (in which they have not always been disappointed), and some by complaisance to their friends, and particularly those who have married into families of a different persuasion (which has been a very fatal blow to our interest). Many more, I fear, have forsaken us from a secret dislike to strict piety, and with us have abandoned all appearances of religion, and, perhaps, of common decency and morality. And I question not, Sir, but you very well know, that many others who have broken off from us, and, perhaps, make the greatest pretences to strength of thought and politeness of taste, are sunk as low as Deism itself (if not yet lower), and may probably enough reckon it matter of boasting, that having thrown off one fetter, they have had greater advantage for throwing off the other, *i.e.*, the faith of the Christian, after the strictness of the Dissenter.

And are these, Sir, the persons who are to be brought back by our learning and address? Some of them may, perhaps, now and then make an occasional visit to our assemblies for their own amusement, as they frequent the theatre; but surely they can never be depended upon as the support of an interest; nor could you, on the whole, think it prudent for us to hazard the approbation and affection of our people, in a view of making ourselves agreeable to them.

But *religion* furnishes us with many considerations to the present purpose, of much greater importance than any which could arise merely from prudential views. Surely there is a dignity and a glory in every rational and immortal soul, which must recommend it to the regard of the wise and the good, though it may be destitute of the ornaments of education, or splendid circumstances in life. Let us think of it in its lowest ebb of fortune, or even of character, as still the offspring and image of the great Father of spirits, and as the purchase of redeeming blood: let us consider what an influence its temper and conduct may have, at least, on the happiness of some little circle of human creatures, with whom Providence has linked it in kindred, in friendship, or in interest; and especially, let us consider what it may become in the gradual brightenings and

improvements of the eternal state : let us but seriously dwell on such reflections as these (too obvious to be missed, yet too important to be forgot), and we shall find a thousand arguments concurring to inspire us with a sort of paternal tenderness for the souls of the meanest of our people. This will teach us to bear with their prejudices, to accommodate ourselves to their weakness ; and to consider it as a mixture of impiety and cruelty, to neglect numbers of them, out of complaisance to the taste of a few, who are, perhaps, some of them but occasional visitants, and whom we judge by their habits, rather than by any personal acquaintance, to be a part of the polite world.

Did I affect to throw together all that might be said on this subject, I might both illustrate and confirm what I have already written, by showing at large, that Christianity is a religion originally calculated for the plainer part of mankind, by that God who "has chosen the foolish things of the world to confound the wise, and the weak things of the world to confound the things which are mighty ;" * and, consequently, that a neglect and contempt of the common people is far from being the spirit of the gospel. I might add many remarks to this purpose on the preaching and conduct of St Paul, and fill whole pages with quotations from him and the rest of the apostles, and many more from some of the most ancient and celebrated fathers of the church. But I do not think it necessary for the support of my argument ; and I am persuaded, that you, Sir, in particular, have no need of being taught these things from me.

Permit me only to add (what you must frequently have observed), that our Lord Jesus Christ is a most amiable and wonderful example of a plain, familiar, and popular preacher. When we come to peruse those divine discourses, which extorted a confession from his very enemies, that he spake as never man spake, we find neither a long train of abstract reasonings, nor a succession of laboured periods, adorned with an artificial exactness ; but the most solid and important sense, delivered in an easy and natural way, illustrated by similes taken from the most common objects in life, and enforced with lively figures, and the strongest energy of expression ; which is well consistent with all the former. So that, upon the whole, it was most happily calculated, at once to instruct the most ignorant, and to awaken the most negligent hearer. I cannot but wish, that some judicious writer would attempt to set this part of our Lord's character in a clearer and a more particular light ; and would show us how the whole of his conduct, as well as the manner of his address, was calculated to promote his usefulness

* 1 Cor. i. 27.

under the character of a preacher of righteousness. I hope such an essay might be very serviceable to those of us who have the honour to succeed him in that part of his work ; and I persuade myself, that it would furnish us with a variety of beautiful remarks on many passages in the evangelical historians, which are not to be found in the most celebrated commentators.

You will excuse me, Sir, for having insisted so largely on the necessity of endeavouring to render ourselves agreeable to our people ; because I am fully persuaded, that it is of great importance to the support and revival of the dissenting interest. I hope you already apprehend that I intend nothing in this advice, which is below the pursuit of the most elevated genius, or the most generous temper ; nothing inconsistent with the politeness of the gentleman and the scholar, or the dignity of the Christian and the minister. You cannot imagine that I would recommend a popularity raised by quirks and jingles, or founded on affected tones, or ridiculous grimaces ; and much less on an attempt to inflame the passions of mankind about trifling controversies, and the peculiar unscriptural phrases of a party. **SUCH A POPULARITY AS THIS IS ALMOST THE ONLY THING THAT IS MORE DESPICABLE, THAN THE INSOLENT PRIDE OF DESPISING THE PEOPLE.**

If any of my younger brethren were to inquire how another popularity, of a far more honourable kind, is to be pursued and secured ; I answer, that their own converse and observation on the world, must furnish them with the most valuable instructions on this head. And, though some of their particular remarks may differ, according to the various places and circumstances in which they are made, yet I apprehend there are many things of considerable importance, in which they will all agree. As for instance :

They will quickly see that the generality of the Dissenters, who appear to be persons of serious piety, have been deeply impressed with the peculiarities of the gospel scheme. They have felt the divine energy of those important doctrines, to awaken, and revive, and enlarge the soul ; and therefore they will have a peculiar relish for discourses upon them. So that if a man should generally confine himself to subjects of natural religion and moral virtue, and seldom fix on the doctrines of Christ and the Spirit, and then, perhaps, treat them with such caution, that he might seem rather to be making concessions to an adversary, than giving vent to the fulness of his heart on its darling subject, he would soon find, that all the penetration and eloquence of an angel could not make him universally agreeable to our assemblies.

Many of our people have passed through a variety of exercises in their minds, relating to the great concern of eternal salvation. And they apprehend, that the Scripture teaches us to ascribe this combat to the agency of Satan, and the corruptions of our own heart, on the one hand, and the operations of the Holy Spirit of God on the other. It is therefore very agreeable to them to hear these experimental subjects handled with seriousness and tenderness. It raises their veneration for such a minister, as for one who has himself tasted of the grace of God, and encourages their confidence in him, and their expectations of improving by his labours. On the other hand, it grieves them when these subjects are much neglected, and gives them the most formidable suspicions, if one word be dropt which seems to pour contempt upon them, as if they were all fancy and enthusiasm (with which, it must be granted, they are sometimes mixed).

The greater part of most dissenting congregations consisting (as we before observed) of plain people, who have not enjoyed the advantages of a learned education, nor had leisure for improvements by after-study, it is apparently necessary that a man should speak *plainly* to them, if he desire they should understand and approve what he says. And as for those that are truly religious, they attend on public worship, not that they may be amused with a form or a sound, nor entertained with some new and curious speculation; but that their hearts may be enlarged as in the presence of God, that they may be powerfully affected with those great things of religion, which they already know and believe, that so their conduct may be suitably influenced by them. And to this purpose they desire, that their ministers may speak as if they were in earnest, in a *lively* and *pathetic*, as well as a clear and intelligible manner.

Such is the taste of the generality of the Dissenters,—a taste which I apprehend they will still retain, whatever attempts may be made to alter it. And I must take the liberty to say, that I conceive this turn of thought in the people to be the great support of our interest; and not the little scruples which you hint at in the 34th page of your letter, nor even those rational and generous principles of liberty, which you so clearly propose, and so strenuously assert. And I cannot but believe, that if the established clergy and the dissenting ministers in general, were mutually to exchange their strain of preaching, and their manner of living, but for one year, it would be the ruin of our cause, even though there should be no alteration in the constitution and discipline of the Church of England. However you might fare at London, or in some very singular cases elsewhere, I can

hardly imagine that there would be Dissenters enough left in some considerable counties to fill one of our largest meeting-places.

We have then advanced thus far,—that he who would be generally agreeable to Dissenters, must be an evangelical, an experimental, a plain, and an affectionate preacher. Now, I must do our common people the justice to own, that when these points are secured, they are not very delicate in their demands, with regard to the forms of a discourse. They will not, in such a case, be very much disgusted, though there be no regular chain of reasoning, no remarkable propriety of thought or of expression, no elegance of language, and but little decency of address. The want of all these is forgiven, to what they apprehend of much greater importance. Yet, Sir, I would not from hence infer, that these things are to be neglected; on the contrary, I apprehend it is absolutely necessary, that they should be diligently attended to, in order to obtain that universal popularity, which I think so desirable for the sake of more extensive usefulness. A man of a good taste will certainly take some care about them. 'Tis what he owes to himself, and to the politer part of his audience, whom he will never be willing to loose in a crowd; and he need not fear that a prudent regard to them will spoil his acceptance with the people. Few of them like a discourse the worse for being thoroughly good; and the accomplished orator will find, perhaps to his surprise, that they will not only know and feel the important truths of religion, in the most agreeable dress he can give them, but that they will even applaud the order and regularity of his composure, the beauty of his language, and the gracefulness of his delivery, at the same time that they have the candour not to complain of the indigested rovings, the unnatural transports, and the awkward distortions of the pious, well-meaning, but injudicious preacher. For human nature is so formed, that some manners of thinking and speaking are universally agreeable and delightful. 'Tis the perfection of eloquence to be master of these, and should, I think, be the care of every one that speaks in public, to pursue them as far as genius and opportunity will allow.*

The man who forms himself upon such views as these, if he be not remarkably deficient in natural capacities, will probably be popular amongst the Dissenters *as a preacher*; but a thinking man will easily perceive this is not the only character under which a minister is considered. His people will naturally and reasonably expect a *conduct* answerably to his public discourses;

* This is that regard to the SENSUS COMMUNIS which Tully thinks so necessary.

and, without it, he cannot be thoroughly agreeable to them. They will take it for granted, that a man so well acquainted with divine truths, and one that seems to be so deeply affected with them, should be regular and exemplary in the whole of his behaviour, and free from the taint of vice, or of folly, in any remarkable degree. They will expect that he should be far from being a slave to secular interest, or to the little trifles of food, dress, or domestic accommodation ; and that he should avoid every thing haughty and overbearing, or peevish and fretful in his daily converse. They will conclude, that a desire of doing good to souls, will make him easy of access to those who apply to him for advice, with regard to their spiritual concerns ; and that it will likewise dispose him at proper times to visit all the people of his charge, the poor as well as the rich ; and that not only under the character of a friend, but of a minister, in a direct view to their spiritual edification. And if a man desire the affections of his people, he must not disappoint such expectations as these.

The tenderness with which parents interest themselves in the concerns of their children, and the earnest desire that all religious parents must necessarily have, that theirs may be a seed to serve the Lord, will engage them very kindly to accept our care, in attempting to bring them under early impressions of serious piety. Catechising has, therefore, been generally found a very popular, as well as a very useful practice. And here I think it is much to be wished, that our labour may extend to the youth, as well as to little children ; that in a familiar way they may be methodically acquainted with the principles of natural religion, and then with the evidences of the truth of Christianity, and with the nature of it, as it is exhibited in the New Testament, both with regard to the privileges and the duties of Christians, as this might be a means of filling our churches with a considerable number of rational, catholic, and pious communicants, from whom considerable usefulness might in time be expected ; so it would greatly oblige their religious parents, and lay a foundation for a growing friendship between us and our catechumens, in the advance of life.

There seems to be but one material objection against all this ; and it is an objection, in which, I doubt not, but your own thoughts have already prevented me. It may perhaps be pleaded, that we have a sort of people amongst us, whose approbation and esteem cannot be obtained by such honourable methods as I proposed. For they, whom we call the *rigidly orthodox*, are so devoted to a peculiar set of human phrases, which have been introduced into the explication of some im-

portant doctrines, that they will hardly entertain a favourable thought of any who scruple the use of them, or who do not seem to value them as highly as they, though they may, on all other accounts, be ever so considerable.

You, Sir, hint at * a very expeditious remedy for uneasiness arising from this quarter,—that persons of generous and bigoted sentiments should meet in different places. In London, it is certainly practicable, and may perhaps be most expedient; but to attempt any such separation in the country, would be the utter ruin of many of our societies, which now make some considerable appearance. But besides my regard to the ministers and societies to which they are related, I must confess, I have too much tenderness for the persons themselves, to be willing entirely to give them up. I have been intimately acquainted with those who have been accused, and perhaps not unjustly, of this unhappy attachment to human phrases, and nicety in controversial points; and I must do many of them the justice to own, that I have found very excellent qualities mingled with this excess of zeal (which must, methinks, appear pardonable in them, when we consider how artificially it has been infused, and how innocently they have received and retained it, from a real principle of conscience to God). But, indulging them in this one article, several of them will appear to be persons of so much humility and piety, of so much integrity and generosity, of so much activity and zeal for the common interest, that, separate from all views to private advantage or reputation, one would heartily wish to do all he honestly can, to remove those prejudices, which give them so much uneasiness, and impair the lustre of so many virtues and graces. And if, at the sametime, we can secure their esteem and friendship, it may have such an influence, both on our own comfort and usefulness in life, that it must be great ignorance or pride to despise it.

You will readily grant, Sir, that the thing is in itself desirable. The great question is, how it may be effected? And here I will venture to say freely, that I apprehend bigotry of all kinds to be a fortress, which may be attacked by sap more successfully than by storm. It is evident, that we have most of us something of the humour of children, that grasp a thing so much the more eagerly, when an attempt is made to wrest it out of their hands by violence; and yet perhaps will drop it themselves in a few minutes, if you can but divert their attention to something else.

From such a view of things, I apprehend, we are to judge of the most proper methods of dealing with those whose case is

* Inquiry, p. 44.

now under consideration. You, Sir, may tell them again and again, with your natural coolness and moderation, "that it would be an instance of their modesty to resign their pleasures to the general notions and judgment ;—that instead of assuming the characters of judges and censors, they should put on the humble temper of learners,—and receive the truth without being jealous of heresy in our younger preachers." *—And, at the same time that you are thus giving your advice, you may give your reasons as clearly and handsomely as you have given them for nonconformity in this Inquiry ; yet, after all, you will probably find, that the *civium ardor PRAVA JUBENTIUM* will out-noise the voice of the charmer, charming ever so wisely. And should I exert myself with greater warmth and eagerness, should I grow a bigot in defence of catholicism, and load those of different sentiments with reproaches, because they have profited no better by so many solid arguments ; I should, indeed, pay a very great compliment to them, in supposing them capable of knowing and admitting truth, under so disagreeable a disguise ; but it would be at the expense of my own character and ease, and I should run the risk of being severely scorched by that flame, which I pretended to extinguish, by pouring on oil.

I cannot but think it much more advisable, according to the apostle's maxim of "becoming all things to all men," to study to accommodate ourselves in this respect, as well as in others, to the infirmities of our hearers, as far as with a safe conscience we may. If we can put a tolerably good sense on any of their favourite phrases, it would surely be a most unreasonable stiffness and perverseness of temper, to avoid it merely because they admire it. Or, if we cannot go so far, we may at least lay aside any darling phrases of our own, which we know will be offensive to them. (For if the Bible be a complete rule, *our* human forms are no more necessary than *theirs*.) Christians, as such, profess a reverence for the Scripture, and many of these Christians have a distinguishing regard to it, as they have felt its divine energy on their souls. Now, Sir, with submission to the better judgment of my brethren, I think we, who are ministers, should take them by the handle, and should labour to discover to them, more and more, the beauty and fulness of the Word of God, not only with regard to this or that particular doctrine, but to the whole system of truth and duty contained in it. 'Tis a subject on which we might speak, and they would hear with pleasure ; and it would not only divert their attention and their zeal from other things, which might give uneasiness, but would

* Inquiry, p. 34-37.

have a direct tendency to enlarge their views, and sweeten their tempers, beyond all our encomiums on liberty and catholicism, or our satires on bigotry and imposition.

If what I have writ appear reasonable to you, Sir, I cannot but wish that you, and other gentlemen of the laity, who are heartily concerned for our interest, would endeavour to cultivate such sentiments as these in the minds of young ministers of your acquaintance. We are naturally very desirous of being known to you, and singled out as the object of your regard. Whereas, we early begin to look with a comparative contempt upon the meaner sort of people, as an ignoble herd.—*Fruges consumere nati.*—Whilst engaged in our preparatory studies, we are, indeed, so generous, as to give up one another to the vulgar; but we have each of us the penetration to discover, that there is something uncommon in our dear selves, by which nature seems to have intended us to be (as we absurdly enough express it) orators for the polite. These arrogant and pernicious sentiments we sometimes carry along with us, from the academy to the pulpit; where, perhaps, we make our first appearance infinitely solicitous about every trifling circumstance of a discourse, yet negligent of that which should be the soul of it. And if the people are not as much charmed with it as ourselves, we have then an evident demonstration of their incorrigible stupidity; and so resentment concurs with pride and ambition, to set us at the remotest distance from those who ought to be the objects of our tenderest regards.

If an elder minister have so much compassion and generosity, as to deal freely with us upon these heads, and give us such advice as circumstances require, 'tis great odds but we find some excuse for neglecting what he says,—“ He is ignorant and unpolite; or perhaps intoxicated with his own popularity, and means his counsels to us as encomiums upon himself.”—Or if neither of these will do, some other artifice must be found out, to fix the blame any where rather than at home. And if, in the midst of a thousand mortifications, we can but find out one gentleman of fortune, sense, and learning, that admires us, we are happy. A single diamond is worth more than a whole load of pebbles; and we perhaps adopt, with vast satisfaction, the celebrated words of *Arbuscula* in *Horace*,

Men' moveat cimex Pantilius? &c.; *

without considering, that what was highly proper in the mouth of a player and a poet, would be extremely absurd in a heathen, and much more in a Christian orator.

* Hor., lib. i. sat. x. v. 78, &c.

Now, Sir, what I intend by all this, is to show that you gentlemen may have it in your power to do a great deal to correct these mistaken notions. If we plainly see that you regard us, not merely according to the manner in which our performances are accommodated to your own private taste, but according to our desire and capacity of being useful to the public interest, we shall perhaps be taught to place our point of honour right ; and when that is once done, a moderate degree of genius, application, and prudence, may be sufficient, by the blessing of God, to secure the rest.

THE END.

Select Anti-Patronage Library.

REASONS
IN DEFENCE OF THE
STANDING LAWS
ABOUT THE
RIGHT OF PRESENTATION IN PATRONAGES.

BY SIR FRANCIS GRANT,*

AFTERWARDS LORD CULLEN, ONE OF THE SENATORS OF THE COLLEGE
OF JUSTICE, [1703.]

Reprinted 1841.

SIR,—In answer to your desire of knowing the certainty of the surmise which you hear in the country, that there is a proposal to be made in parliament for restoring to patrons their right of presenting ministers, I do not think that there is any such design, or that it would have success. However, the talk of it, and your letter about it, have set my thoughts on the following reasons that I intend to offer against it, if opportunity occur, which I have sent to you, whose judgment I so much value; for having, in return, your correction or improvement thereof.

The law which I defend, imports: “ That though the right of presentation by patrons be annulled, and the right of nameing the person to the congregation, is, in all time coming, stated in the heritors and elders of the parish, upon a narrative that this power of patrons had been greatly abused, and would be inconvenient to be continued, &c. Yet these patrons retain their right to the vacant stipends, for pious uses within the parish; and (beside the other price mentioned in the act 1690) get a right to the whole teinds of the parish, not heretably disposed, &c. But as the heritors and others of the parish are profited by such imployment of the vacant stipends (being so far relieved

[* It will be observed, that this pamphlet was originally published in 1703,—that is, nine years previous to the passing of the Statute 10th Anne, cap. 12, restoring Patronage. The “Reasons” were at first addressed to “A Friend in the Country;” and the epistolary form is still preserved, although the name of the party has never transpired. Lord Cullen was father to Lord Prestongrange, author of the “Remarks on the State of the Church of Scotland, with respect to Patronages,” forming No. 6. of the *Anti-Patronage Library.*]

of what might fall on themselves), so they have a faculty of buying their teinds from the patron at six years' purchase, &c."

The excellency of this act restoring churches in parishes to their original rights, and regulating other grievances, both as to pious uses and teinds, does, at the very first view, without the necessity of curious inquiries, become familiar to any reasonable man, by these common similitudes that are presently obvious to him. For is there any thing more congruous, than that rational creatures should have the liberty of calling their physician, with whom they are (in some sort) to trust the cure of their souls; the power of choosing (in a manner) the husband to whom they are to be wedded; the faculty of naming that doctor in law whom they will advise in matters of the last import; the privilege of pitching on a mouth to God, who (they think) will be the most genuine prolocutor of their praises and prayers—as if they were their own. In a word, the power of choosing for themselves, where a man can err but once,—about interests whose mismanagement may have effect for evermore, &c. But farther, this noble law transfers a most valueable peice of civil right and property of a most precious legal privilege and liberty, on heritors and others, in all parishes in Scotland.

Namely, the crown, on very reasonable motives, gives all its rights of presentation to the heritors and others mentioned in the act. And the parliament (by their supereminent power, *per modum justitiae*) abolishes the abusive and abused claim of subject-patrons; and states it where it ought to be, and was at the beginning, by a declaratory-statutory law; of which these patrons cannot complaine, not only in regard that their titles were ill-founded, but likeways, because all their truely profitable interests, that they can own in common honesty, are saved, and more than an equivalent given for the *nudum jus presentandi*. Besides the other collateral advantages of all the parishes, and consequently of all the other subjects in Scotland, who, truely, are in the other scale of the balance, over against patrons, in the present case.

My method, therefor, in defending and redargueing what may be adduced in the contrary hereof, shall be to show, in the *first* place, that (whatever way patrons' right of presentation is originally founded, yet) the power of calling ministers thus established with us, is now an indefeasible civil right, which we can no more give up, than the charters and seases of the other lieges who remain at home. In the *next* place, and *separately*, that the claime of presentation by patrons is unlawful in itself, from Scripture, reason, and antiquity; and, consequently, such a servitude on the Church as ought never to be restored. In the *third* place, that, suppose (for argument's sake) that it were

only a matter indifferent, or at least dubious, being considered in the abstract; yet, the re-establishment thereof with us will have so many mischievous, yea, ruinous consequences and scandals, that no good man of this house can, in conscience, vote to it. In the *fourth* place, I shall give a short answer to the most material objections that may be made against what is thus advanced, particularly, that it is groundless to pretend that this was such a civil right as could not justly be taken off in way of legislation.

Before entering farther on this subject, that I may not be misunderstood, or the grounds which I adduce be misapplyed, I must entreat the patience of such as may, upon ane unripe thought, or by prejudice, fancie that my arguments against my own power of giving up my constituents' rights can be turned against the acts abolishing the presentation of patrons, to keep back their conclusion till they hear me out; and then, I am confident, they will be convinced of the disparity of the cases: the same way as though our predecessors could retrench property in the matter of teinds, erection of Church lands, &c.; the old laws concerning cruives, zairs, fowling, hunting, &c.; the latter acts 1661, betwixt debtor and creditor; and 1681, about publick debts, &c. Yet this could never be turned for legitimating our restoring these things, no more than to infer a power of surrendering the (absolutely) private properties of our constituents; the changing a monarchy to aristocracy or democracy, or the abolishing of parliaments themselves in time coming, &c., which shall be more fully explained in the sequel of my discourse.

As to the *first* of these heads proposed (which I discuss before the rest, because it is a great speciality peculiar to this nation; and thereby, in some measure, supersedes general speculations, that may touch the case of others), the patronages in Scotland did belong, at the time of the act 1690, either to the crown or to subjects, and these two may have separate views.

As to patronages pertaining to the crown:—

The right of presentation being a part thereof, is for ever conveyed to the heritors and others of each parish; and thereby incorporat with their other freehold and property by the act 1690: Also effectually, as if particular charters under the great seal had been expedie in favours of them and their successors, in each parish, *nominatim*, which would give an irrevocable *jus quasitum* to the receivers, even though this right were annexed property (being done in parliament for seen causes), much more when it was not so annexed.

That such rights once communicate by the crown to the sub-

jects in parliament (which is done by way of act, because of its universality, and not upon account of its being less firm, for it was never heard that the multitude of persons concerned makes the right the worse) are irretrievable, is manifest; not only from the nature of the thing, since the most absolute princes are bound by their deeds which state a right of exaction or retention in the receivers; as the Almighty himself professes the implement of his covenants, and the stability of what he confers by his laws, to be a part of his righteousness; but likewise, from the analogy of our constitution in cases parallel to this. Thus, it will not readily be said, that the last acts of parliament confirming the temporal erections of kirk lands, quarrelable on King James the Sixth's minority or otherwise; or, the acts of parliament securing the rights of teneys, either to titulars or heritors; or, the privileges, being gifts of the regalia, conferred on companies for trade or manufacture; or, a part of the annexed property granted to private parties, upon grounds once sustained in parliament; or, the edict of Nants in France, or pragmatick sanction in Germany; or, Magna Charta in England, &c., can be altered so far as the crown is denuded by subsequent acts, without the special consent or crime of these having interest by the preceeding. Yea, farther, I humbly conceive, that acts translating property not meerly private, but having relation to publick administrations upon publick good, even from private parties not present in parliament (as the crown always is) to others, establishes such an irreversible right, that it cannot be overturned with a breath that happens to blow, of course, in any subsequent session. Thus, when by illimitd infestments in cruives and zairs, the upper heritors on rivers were prejudged, there is a regulation as to time and manner. If a subsequent act should rescind this restriction, it would make the property of the heritors fishing above useless. When by the act 1661, betwixt debtor and creditor, those who had honourably suffered for the royal family obtained, as a relief of their straits, the change of wadsets from proper to improper; of apprysings run out, to being current; of debts presently due, to a day and manner of payment, &c. If a simple vote touched could abolish this, many estates would change their masters. Yea, when in the parliament 1681, publick debts, so great and many, were discharged by statute; if through a dash of a sudden law this discharge were obliterat, the principal and annualrents would so recur, that it had been better for these noble patriots that they had never got such a privilege, which did divert them from timely transactions, &c. But this leads in upon the *second* case of the act 1690, namely,—

As to patronages pertaining formerly to subjects.

Before discussing whereof, the precise state of the point is to be more narrowly considered, by which it will appear that though this (pretended) right was justly taken off by an law without process, yet it cannot be restored so. For, *first*, the case is not of a private property belonging to every individual subject for himself, and that unexceptionably, or under such defects as are not common, but peculiar to the possessor, which, being facts, must commonly be cognosced on citation. But the case is, that the *jus præsentandi* in patronages is a kind of publick right relating to others (namely, to all the souls in the parishes obnoxious thereto, the Church judicaturs, and a great part of the ministers in the nation), quarrelable on known grounds of right and notour abuses in fact, hereafter expressed ; and as the claim itself is not *interesse pecuniarium*, so it concerns a state of persons in the same obvious circumstances. So that the regulation of this last sort of right was a matter of government by the legislative, which hath a *dominium supereminens* (by the conception of all lawyers, particularly *Grotius, Puffendor, Bodinus, &c.*), whereby they may translate property from one use or subject to another, for publick good, especially where it was doubtful or abused in its former owners ; some equivalent being allowed to those who lose rights, or a show of them in that manner, and that without form of judgment, where *testis est Senatus populusque Romanus*. Whence it follows, *second*, that the act 1690 is just being partly declaratory of the patrons not having, or amitting, this particle of their right, and its being truely the Church's ; partly statutory, cassing and annulling the same as to them, upon its being abused, and the public interest in the right use of it. And, consequently, translatory of the *jus præsentandi* to the heritors and others in parishes ; or rather reviving, *jure postliminii*, their primogenial right, which had been kept dormant from exercise for so long a time, by servitude, usurpation, and violence. And therefore, *third*, the right of heritors and others thus established without iniquity (whereof it is hoped the late parliament will not be arraigned) cannot be taken away ; especially when the reasons thereof obtain also much, if not more, in a degenerate age than ever, till it be owned in the instances before adduced, that cruives and zairs may be restated in their boundless extent ; the persons who lost by the act 1661, re-established in the rigour of their legal advantages ; and the creditors of publick debts reponed to their rights of exaction, without mercy, &c. By a transient act, of course, which surprises the parties interested, before the hundredth-part of them know of the matter, for giving reasons against it.

Upon the whole of this matter, I do not think that we can

proceed to it, both in regard of the nature and precedent of it, and considering Her Majestie's repeated promises (which we may look on as a fixed right, it being one of her greatest glories to be *semper eadem*) of maintaining the Church government as by law established; whereof, undoubtedly, the right of calling our ministers is a part, yea, in a manner, the very first step, the head of the rivulet, the *primum movens*, the *sine quo non* thereof; according whereunto, neither the Queen, His Grace my Lord Commissioner, nor my Lord High Chancellor, have either spoke of or hinted the least grue of this grievous innovation.

But that the grievousness of it may farther appear.

As to the second point proposed, namely, that this right of presentation in patronage is unlawful in itself, I have detained you so long beyond my first design, upon the first head, that I must make short of this; especially considering that it is done with much perspicuity in Mr Park's book against Patronages, and a late print, which can be easily had. Yea, it is the sense, generally, of most Protestant writers, both at home and abroad, that the negative interests of patrons (hindering any to be named but those of their presentation), and their positive right, imposing upon the church for a pastor any who is so externally qualified, that there can be objection of his being erroneous or vicious proven against him, without respect (he having common qualifications) of his special aptitude and fitness for the charge of that particular place, is against and inconsistent with the divine institution, and the grant made by Christ the only Head of the Church, who, as he institute the offices therein, so he left the gift of calling their own office-bearers to Christian societies themselves. Though, indeed, *Multa non recte fiunt, quæ facta valent*, whereby (in cases of necessity, which is not under ordinary rules, where another entry cannot be had) the subsequent consent, in the acquiescence of the people, though irregularly elicit by this legal force, in places and times where patronages obtain, does legitimate, as having the substantials of a call,—the will of the minister and people concurring, the same way as the Jewish high-priests were owned by our Saviour, though imposed by the Roman emperours; and we do not reiterate popish ordinations, though erroneous almost to a nullity. But this no argument against keeping our patrons when they are legally extruded, no more than it is lawful to absolve children from taking their parents' advice in marriage, though the marriage *summō jure* subsists without that consent.

Yet to give some hint of a few of the grounds of this opinion: The looking out for, and having found, the nameing of, the minister who is to rule, is the very first link of the chain and

porch of government in our Lord's house. And seeing the ambassadour is to act in his constituent (our Mediator's) name, it must be the very nature of a call to that office that it be of God, and not of men, considered simply as such, but as having divine warrant and commission from the only King of the Church; and, for this end, the Church has had the gift of discerning of spirits, and, accordingly, were called to make elections by the apostles themselves, of which privilege the Church remained in possession for many hundreds of years; so as there is no mention in ancient councils, canons, fathers, or historians, of this kind of patronage, that was introduced thereafter under the darkness and defection of antichrist; but, on the contrary, these old records set down the method in which the Church itself did elect its pastors. Particularly, it is most noticeable, that in that valuable piece of antiquity, the Justinian and Theodosian Codexes thereof, it is manifest that even in the fifth century this usurpation had not invaded the Church, though many others had at that time got root.

And it is plain, besides the traits of Scripture and antiquity, that it is naturally inherent in every society to choose their own office-bearers; otherways they would not be perfect, nor have power to explicate their own subsistence and functions. Whereas, it must be acknowledged that the Church is the most truly free-born society on earth, and it is not consistent with the wisdom, love, and faithfulness of its blessed Founder, not to instruct it with all necessary powers thereanent; which privileges of the Church have this speciality, that secures it from such encroachments as is patronage, namely, that by its consent to laws or customs, it cannot surrender that liberty by which its Saviour hath made it free.

For, as this is not necessary to civil government, it being sufficient to serve the ends thereof, that fathers of families did give up their regal power to the supremal governour of the civil society to which they did enter, and their surrendering the sacerdotal (Christ's kingdom not being of this world) was not needful to the ruling of men as men; so it is in no person's power to quit, so far as he hath it, this most personal right, *cum nemo sit Dominus animæ sue*, but every man must be perswaded in his own mind, and whatsoever is not of faith is sin, and he must stand and fall to his own Master, without committing these *jura excepta* to others.

From all which it is manifest that the patron's claim of presentation is not only an usurpation, being without divine institution, to which, in the Church, nothing is to be added no more than to be diminished; but likeways directly against it, as being

incompatible with, and subversive of, the divine right of calling their own ministers, competent to the Church both by precept, promise, example, and possession, down to the times of absolute impurity. For, with us, it is observable, that most of all the patronages belonged to, and were the brood of abbacies, priories, nunneries, and other superstitious prelacies. And, therefore, upon the whole, it cannot be excused; at the least not legitimate, by any plausible pretexts adduced by the cononists for palliating thereof. For, in the first place, evil is not to be done that good may come of it. And therefore Uzah is set as a beacon for simple touching of the ark, though he had some relation to it as being a Levite, and had the colour of a visible necessity against its falling. In the next place, symbolising with Popery in a thing confessedly indifferent (though their abusing things necessary does not deprive us of the right use of them) is not justifable, as appears Lev. xix. 27, by the prohibition to the Israelites even of rounding the borders of their heads, or marring the corners of their beards, after the example of the heathens. But, in the *third* place, the right of presentation in patronage is an evil in itself, and the fruitful mother of manifold evils to the Church and nation, in their souls, bodies, fame, estates, relations, publick and private concerns whatsoever: which brings me to the third point to be considered.

As to the mischievous and ruinous consequences and scandals of the right of presentation in patronages, they are without number, and flow so abundantly into the thoughts of any man who has the least reflection, that the main difficulty herein is to range them so as to be breif. Yet I would have it understood, that this concerns not several persons of honour and integrity, though still the ways of their dependents or favourites make that security useless.

Thus, *first*, this part of patronages was the source of general and continued simonies, which not only were crying sins against God, as to the intrant and patron, but likeways were a scandal to religion itself, prostituting it to be bought and sold. *Second*, Even as to temporal interests, the patron did frequently bring a curse on his family, freinds, or affairs, by what he got in money or bonds; and the minister of a benefice, clipped to meanness, and giving obligements to the boot, is often kept so under water, that he remains poor, tempted to be worldly, turn husbandman, merchant, and frequently oppressor, especially of the poor, &c. *Third*, What spiritual fruits can be expected of a preacher who thus dedicats his first-fruits to the devil? And does it not mar his own confidence, and obstruct his comfort, to have begun like Simon Magus. *Fourth*, This engine of

Satan is a kind of universal embargo on the edifying of the Church, for the meanest of the people (like Jeroboam's priests) only descend to these sacrilegious acquests. Whereas men of parts, birth, or integrity, disdaining such baseness, are barred access to the ministry. *Fifth,* This is not the only loss that the Church sustains by that diabolical invention ; for the patron can, by law, leave the people desolat for half a year, and he, offering one within the six months, though never so insufficient, can prorogate the prescription, and gain the fruits by drawing out the matter to a great length, after the same reiterated manner. Yea, though some might be ashamed of such a practice, yet, *sixth,* it is known how they have no aptitude for this office, since soldiers, mechanics, women, ignorant or wicked persons, men out of the nation, and others uncapable to judge of the qualifications of the persons to be presented, or the condition of the parish on which he is to be obtruded, are patrons. Yea, some may be so prophane, or so much in the interests of foreigu religions, as to intrude these proposants, whom the projector knows inwardly (though it cannot be legally discovered, *ad extra*) to be in time an fit instrument of hell for subversion of our faith and constitution. And, *seventh,* this will bring the ministry itself, in general, into contempt, and being disliked with those who know these intrigues, or still suspect in all what is ordinary in most, our perverse natures having the greatest penchant and byass to take up the worst presumptions, especially of those they call clergy ; which aversation will not be a little augmented by the legal force (which creates unto-wardness) that the patrons put on the parishioners' inclinations. *Eighth,* It exposes intrants to discouragement, being rejected for insufficiency ; and Church judicatories to the odium of rigour and severity, even when they do their duty ; and patrons themselves, with their minion expectants, to discredit and reproach, when scandalous, ungentlemanly, or mean measures are surmised, though there cannot be a legal proof thereof. Besides which, *ninth,* the friends and other relations both of patron and intrant come commonly to be involved in the guilt, punishment, or disquiet. For it is known how third parties interpose, when the ecclesiastick himself will not speak,—how the family becomes habituat to corruption, by gifts to wives, children, or Gehasi's about the patron, who himself has not the impudence to take bribes,—how friends, if they obtain in their solicitation, this is not a due motive of moving in sacred things, or if they be rebuted, they are under disgust,—how chicanes are invented to defraud the law by some friend of the intrant's passing from legal claims against the patron, as a clock of the delinquence,

—how parishioners themselves are ensnared from their duty, through lying by, or being shy, for fear to oppose a great patron, though he be intruding a knave or a dunse, &c. *Tenth*, If Popery, which our sins threaten, come to be regnant or applauded in the nation, patronage is a sluice by which dormant Papists at least can be let in upon the Lord's vineyard,—boars to destroy the fruits thereof. *Eleventh*, Whatever might have been, if all men of sense had not had a taste of the blessing of freedom from the bondage of patronages; yet now, when we have had so long experience of that happiness, it cannot be expected but that the reduction of it would prove a field of heart-burnings, jealousies, debates, betwixt the patrons, people, and presbyteries; yea, perhaps tumults, and the expense, trouble, and hazard of processes for them; and after the unworthy favourite is rejected, there might commence a new scene of inveiglements upon a new proposal, which confusions many might foment, for ends not consistent with the welfare either of Church or State. And, most certainly, a degenerat age is the most improper of any to lay a scheme by which, in great measure and process of some time, the ministry, which should reform the world, would become of the patron's kidney. *Twelfth*, It cannot be imagined, if such a mischief should happen, but that there will be struggles even in the State to get so great a loss retrieved, though we have already divisions in superabundance. For, *thirteenth*, it is not to be supposed that all the heritors of Scotland and others concerned will sit down contents under such a rapine made upon their rights, whereof they have been so long possessed; and, no doubt, both heritors and burrows would quarrel their commissioners for acting *ultra vires*. And, if any thing at all (as certainly some things are, suppose a parliament should renounce the royal family, turn us to a democracy, raise war against the prince, surrender all our lands, *ad remenantiam*, &c.), this would be subject to a subsequent parliament. *Fourteenth*, Not only would such an abominable national act draw down upon the kingdom, as such, the wrath of God, but likeways any particular man that would vote thereunto, or temporise therein, could not, as accessory to, escape the curse of Heaven on all the abuses before mentioned, to which he would give cause, being *causa causa* by such management.

Casuists are very clear in this. When a member of any collegiat community votes to a thing which he either does, or ought to know, is ill in itself, or apt to produce mischief; or, if he negatively ly by and not obstruct the others carrying it, he is even then an interpretative doer; for woe to them by whom

offences come ;* and though the matter be indifferent in itself, yet I must not eat flesh while the world stands,† if it occasion sin in others ; since either of these is the being partaker with them, both in their sins and plagues.‡ Thus, there is a woe to them that decree unrighteous decrees ;§ and the transgression of all the people was imputed to Jeroboam, who made Israel to sin. And is not he who puts a weapon in a lunatick's hands chargeable with the suicide or homicide committed with it ? and if an ox were wont to push with his horn in time past, which being testified to his owner, he hath not kept him in, the owner is put to death for the man or woman killed, even by this bruit,|| which shows how far simple omission does communicat guilt ; whence God charges Eli with his sons' wickedness (which he had legal power to restrain), and punishes him for it as well as them.¶ For a man ought not (Gallio like) to hide his eyes, but set his face against abominations ;** otherways, then, truely holds, that he who is not against it is for it ; and *qui non prohibet, jubet.*

But having tempted your patience too much with what is plain in itself, I shall abridge the *fourth* point.

As to the objections which may be made against what is advanced, they all resolve either into pretence of civil right (which can never obtain against divine law, or when it is extinguished or transferred by humane), or some palliating remedies (which being external applications, will never cure the disease that is inward), or in alledgeance of counter-inconveniences, which are either not relevant or not true.

Thus, whereas it is pretended by the patrons of patronage, that it was their property by their charters, deriving it from our kings, or a lawful reservation in the first dotations, which could not be taken away, especially being confirmed by reiterated laws and prescriptions, &c.

It is answered,

1st, As this does not hold in the patronages still remaining with the crown, communicat to the heritors and others in parishes for all time coming, as is more fully explained above ; so the subject-patrons have lost nothing of (but rather bettered) their true property,—they being only inhibite the *nudum jus präsentandi*, which is not a proper property (but an invention of imagination), being unknown to all the ages preceding the outmost darkness of Popery. Besides that, being at most a publick right, and abused, it is justly transferred for an equivalent to the heritors and others, upon the grounds before expressed.

* Matt. xviii. 7. † 1 Cor. viii. 13. ‡ Eph. v. 7 ; Rev. xviii. 4. § Isa. i. 10.
|| Exod. xxi. 29. ¶ 1 Sam. ii. 29, 30, &c. ** Lev. xx. 3-5.

2d, *Et separatim*, such a right or quality concerning spirituals; and being not only not found in Scripture, but likewise directly inconsistent with the Church's freedom established there; *conditio illicita habetur pro non adjecta; maxime cum invitat ad delinquendum, et impedit libertatem matrimonii, &c.* And therefore it is sufficient that the other civil rights of patronage, this *jus præsentandi* being struck out, do remain; else it would follow that the *reddendo's* and conditions in charters, for saying of masses, *cum merchetis mulierum, virgine ad purgandos renes, &c.*, did subsist, upon the same arguments.

3d, Possession signifies nothing, nor old laws *de possessorio*; for the rest of Popery itself thus established is much elder than patronage; and the truth is, both are *vetustas erroris*, which does not bind. But,

4th, That which puts an end to all hesitation on this head is, that it is an undoubted principle both in law and government, not only in all nations abroad, but likeways in our constitution, that *ob bonum publicum*, the supream power in a nation can extinguish or translate the dominion, especially of a publick right, whose exercise relates to others, and to government within the commonwealth. Thus, not only may suburbs of a city, or houses of pleasure, &c., be thrown down, for its defence in the view of a siege, and a man forced to sell his house or area for a publick building or work; but likeways, there are laws necessitating the heritors of teinds to sell in favours of the heritors of lands, restricting the indefinite rights of charters, *cum aucupationibus, venationibus, &c.*, within narrower bounds; and even empowering the king or queen to remitt property by indemnities, when it is necessary for pacification, in the borders or Highlands: besides the instances of the parliaments pareing, by limiting property, in cruives, zairs, the act 1661 and the act 1681 about publick debts, before express; as, in the present case, patronage is not abrogate, but, upon the matter, only regulate, by the act 1690, and subsequent laws.

Whereas it is farther alledged, that while, on the one hand, the abuses of the *jus præsentandi* itself may be prevented by the law asserting it, especially seeing both parishes and presbyteries may object against the patron's nominee; on the other hand, there are many disorders likeways in the established method of calls, by daily experience. It is answered,

1st, As palliating medicaments leave the inward of the sore untouched and uncured, and it is impossible to wash out the leopard's spots, for, still, by the fineness of contrivances, *licet non deficiat jus, deficit probatio*; so, the making a thing totally ill, better, or the hindering a greater publick good, for a lesser, is no

ground to rescind the abolition of the right of presentation in patrons, and the stating of calls in the Church, or rather restoring the same to it.

2d, A method and way instituted by God, may safely and confidently be relied on, for his blessing and direction against disorders; as being contrived by omniscient wisdom, and Christ's presence promised in the exercise of it. And though the corruptions of men, by accident, may occasion some irregularities in the execution, yet that is no argument to lay aside a right or duty morally necessary or positively enjoined, that being *ultra leges sapere*, and to add to the testimony, and to ingyre a short-sighted human model in place of a divine scheme, which would legitimate the pope's supremacy, which bids so fair as a grand mean of peace. Hence,

3d, There is a great difference betwixt the defects in patronage, and those in popular elections. For, in the first place, though we must not throw away meat because some are gluttons, or drink though many be debauched, or any other mean that is necessary by nature or precept, upon account of fortuitous escapes; yet that is a ground, if it obtain generally or for the most part, to reject a matter indifferent, needless, or unwarrantable, such as patronage is. In the next place, there is a presumption of less hazard by lodging this power in the Church than with patrons, in regard that, as the one has a special promise of divine conduct, which the other wants, so the patron is single; whereas the frailties of particular men are corrected or counter-ballanced by the gifts and graces of many others in the Church. And, in the third place, the errors of ecclesiastical procedures are outward, and consequently remediable by superior judicatories; whereas the abuses in patronage (whether of simony, partiality, or unaptness for that particular place, &c.) are either kepted in the clouds, or depend upon the inward conscience, which cannot be proven by external proof. But,

Lastly, As patronage is no balsom for remedying even external debates, since such will be frequent betwixt the patron, people, and ecclesiastical judicatories about objections against the intrant proposed, so it is false that there have been, in the last result, such disorders in ecclesiastical proceedings now established. For whatever miscarriages inferior judicatories have committed (for even God's children have their spots), yet Providence has ordered it so, that these have been corrected by the superior. Yea, it may be said, and defended with truth, that during these many years' experiment, the Assembly, or Commission thereof, have ultimately determined nothing that is quarrelable by any

person of discretion, not byassed, and knowing perfectly the whole circumstances of fact.

Sir, I expect, with some impatience, your answer, that, conform thereunto, I may help or add to what is premised. In the meantime, and ever, I am (what you have made me), alse much as any thing,—Sir, yours, &c.

THE END.

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HISTORY OF THE ACT OF QUEEN ANNE 1711,

RESTORING CHURCH PATRONAGE IN SCOTLAND.

BY THE REV. JAMES BEGG,

MINISTER OF LIBERTON PARISH, MID-LOTHIAN.

WITH A LIST OF THE PATRONS.

WHEN the Church of Scotland arose at the Reformation, 1560, the principle for which she is at present contending was immediately announced in the First Book of Discipline, viz., that “it appertaineth to the people, and to every several congregation, to elect their minister.” The first General Assembly declared, that the election of ministers should be by the people in the public church. The Second Book of Discipline declared that patronage had “flowed from the Pope and corruption of the canon law only;” * had “no ground in the Word of God, but was contrary to the same;” and a mode of appointing ministers which “ought not now to have place in this light of Reformation.” Hence a constant struggle was maintained between the more arbitrary of the patrons and the General Assembly, till, by an union of the crowns in the person of James VI., the Court was removed to England, and there, as in the days of Queen Anne, when the Court was also removed, and through an influence also hostile to our Presbyterian Church, the genius of which the people and Court of England have never been able to understand—patronage was restored to its ancient force. At the same time, a form of Prelacy was introduced, and the foundation laid for that eventful struggle which issued in the triumph of our Presbyterian Church, and the declaration of the great principle of non-intrusion, in the famous Assembly of 1638. In 1642, another

* It is clear that all our ancestors struggled against patronage altogether, whilst they asserted the principle of non-intrusion at the same time, and were glad to secure as much liberty to the people as was practicable.

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important step was gained, for the king agreed, that if the names of *six* candidates were sent him by the Presbytery in which any vacancy existed, he would present one of them. This number was afterwards reduced to *three*, and to *one* in regard to all Gaelic parishes; whilst the Church Courts which, in the room of the bishops, exercised the patronage of the Church, did so by leaving the whole matter to be in reality determined by the feelings and wishes of the Christian people. In 1649, an Act of Parliament was passed, declaring that “patronages and presentations to kirks is an evil and bondage, under which the Lord’s people and ministers of this land” (how different the feelings of those ministers who, in the present day, are actively and passively engaged in outraging, by their intrusions, the decencies of Christian society) “have long groaned; that it hath no warrant in God’s Word, but is founded only on the canon law, and is a custom Popish, and brought into the Kirk in time of ignorance and superstition;” and therefore abolishing all patronage, and “seriously recommending to the next General Assembly * * to condescend upon a certain standing way” for filling up vacant parishes. The next Assembly, accordingly, did draw up a directory for this purpose, vesting the power of nominating the ministers, with consent of congregations, in the several Kirk-Sessions. During this period there were most harmonious settlements, and the character of the clergy and eldership was greatly raised; so that any one who examines the history of the period, must be convinced, that the Church of Scotland was then a mighty instrument for good. A vast change was produced on the character of the whole population, so that the second Reformation is still looked back to as the golden period of our Church and kingdom. But Charles II. succeeded in 1660, and, by an act of almost unexampled perjury and wickedness, he trampled under foot at once his own oath, and those faithful ministers and people by whose agency he had in a great measure been raised to his throne; rescinded all the acts made during the recent establishment of Presbytery; turned about 400* ministers out of their parishes, and adrift with their families upon the open world —“many of them young men, and singularly dear to their people;”—set up Prelacy in the most tyrannical form, and not only intruded new ministers upon the parishes without consulting the people, but on pain of fine, imprisonment, or death, *forbade any man to leave his own parish church.* This was carrying the intrusion principle to its legitimate issue,—for it is of no

* Wodrow says near 400 ministers were ejected in 1663, and gives a list of 376.

use to place and pay for ministers, if, as they enter the churches, the people are suffered to retire. If the end is to be gained, the minister must not only be thrust into the church, the people must be thrust in also, and kept in, and the Court of Session, after sealing the people's mouths during the minister's induction, must just go one step farther, and be as consistent as Charles II., and we shall realize all the terrors of that bloody persecution. These proceedings, however, of old riveted the disgust of the people of Scotland against violent settlements, which had ever been the harbingers of tyranny and declension. Wodrow, the historian, a man of high authority, and a person of great calmness and moderation, says, in regard to the proceedings of Charles,—“ To secure their designed model of Church government now coming in, they introduced the unreasonable and unchristian order of patrons and presentations upon this Church. That heavy grievance had been happily removed by an Act of Parliament, March 9, 1649. It did not satisfy our managers to have this act rescinded in the General Assembly, with many other excellent statutes made in that period ; and therefore, by the 36th Act, they particularly take it away, and directly established patrons and presentations of ministers by them, *as what they knew had been still a DEAD WEIGHT UPON, AND REALLY INCONSISTENT WITH, OUR PRESBYTERIAN ESTABLISHMENT.*” Bishop Burnet, who will not be suspected of undue partiality towards the Presbyterians, gives the following account of the preachers placed by these patrons in our Scottish churches :—“ The preachers were very mean and despicable in all respects—they were the worst preachers I ever heard—they were ignorant to a reproach—many of them were openly vicious—they were a disgrace to their order and the sacred functions—and were, indeed, the dregs and refuse of the northern parts. Those of them who rose above contempt and scandal, were men of such violent tempers, that they were as much *hated* as the others were despised.” Yet these were the men for whose sake a dreadful persecution was carried on for twenty-eight years, with the single object of forcing the people of Scotland to abandon their own religion and chosen pastors, and attend upon the ministrations of such despicable hirelings, not only rivetting upon the minds of the people a horror of patronage, by which such men were intruded into their parishes, but illustrating the fact, that the people of Scotland, even the poorest of them, have in all ages, since the Reformation in general, preferred the services of able and faithful ministers, and have fought against intrusion because they loved the truth of the gospel. To force the people of Scotland, I say, to hear

such men as Bishop Burnet describes, Scotland was turned into a hunting-field of blood for twenty-eight years ; and scenes were enacted, at the recital of which, the ears of all Scotchmen will tingle till the latest generation, and the gray monuments of which are still profusely scattered amidst the wild glens and hills of our native land.

Patronage had been abhorrent to the principles of Presbyterianism from the very beginning of the Reformation ; it had been denounced by both Books of Discipline, and overthrown by the act 1649. They regarded it also now as the engine by which attempts had always been made to change the simple model of their Church, and as, in a great measure, laden with the guilt of unexampled cruelties, during the persecution of Charles II. ; and therefore, upon the first dawn of the glorious Revolution, which drove the detested and blood-stained race of Stuarts from the throne of Britain, to wander as vagabonds in the earth, the Presbyterians of Scotland, forming the great mass of the inhabitants of the kingdom, hastened to lay before King William a statement of their grievances, which they traced nearly exclusively to violent measures, for the purpose of forcing them to adopt a mode of religion from which the consciences of the people revolted. In their demand, in the “claim of right,” that Prelacy should be abolished, it is quite certain, that they intended to condemn and remove patronage. Wodrow states, that another address to the Prince of Orange was prepared by the people of Scotland, in which their grievances were fully detailed.* The fifth head of that address is as follows :—“ That Presbyterian ministers which are alive, may return to their former charge, and enjoy the benefices thereof ; and where other Presbyterian ministers have meeting-houses at present, they may have the public churches, with the maintenance thereof—the present conform incumbents having come in, with all the rest of them, at least generally, *without the election of the people, and so are intruders* ; and that the rest of these conformists be referred to the Church Judicatories—it being remembered and considered, as is already said, that about 400 Presbyterian ministers were removed from their charge and benefices in one day, anno 1663 ; and such as were among the lowest and worst of the people generally, as being insufficient and scandalous men, were put in their room, wherewith, also, the whole Church was and is pestered. Sixthly, *that laical patronages be discharged, as was done in the Parliament 1649, and the people restored to the right and privilege of election, according to the warrant of God's Word.*” Soon after the arrival of the Prince

* Church Patronage Report, Dr Welsh's Evidence, p. 236.

of Orange, a meeting was also held by the Presbyterian ministers at Edinburgh ; and, in January 1689, they transmitted an address, in which they pray “for restoration of Presbyterian government, and ordinances, and ministers yet alive to their charges, and the other Presbyterian ministers, who are, or may hereafter, by *respective flocks be orderly called, as being the only remedy against Popery and slavery, and against the continuance of our otherwise incurable distractions.*”

The feeling in Scotland was so unanimous against patronage, that it could not be resisted. The king, also, was surrounded by some sound-hearted Presbyterians, who turned in a right direction his own wavering and rather hostile opinion. Amongst these, the chief was Principal Carstares,* the leader of the Presbyterian clergy, and also the counsellor and personal friend of King William—a man of great talent and most amiable manners, and so popular as a preacher in Edinburgh, that the magistrates built and endowed a church, merely for the purpose of securing his services. Indeed, to the circumstance, that such a man as Carstares enjoyed the confidence of King William at this eventful period, may, under God, to some extent, be traced the fact, that we have a Presbyterian Establishment at all, and one so firmly secured as ours was at the Revolution.

The Church of Scotland had set her heart on the Act 1649, as the model according to which the appointment of her ministers should be fixed. This, however, she was not able to secure ; and wearied and worn out by a long persecution, as a compromise it was arranged, that instead of vesting the initiative merely in the elders of the several parishes, the heritors, being Protestants, should be associated with them. Accordingly, an act was passed, July 19, 1690, declaring, that “Our Sovereign Lord and Lady, the King and Queen’s Majesty, considering that the power of presenting ministers to vacant churches, of late exercised by patrons, *hath been greatly abused, and is inconvenient to be continued in this realm,* do therefore, with the advice and consent of the Estates of Parliament, hereby cass, annul, and make void, the foresaid power heretofore exercised by any patron, of presenting ministers to any kirk now vacant, or that shall hereafter vaise within this kingdom ;” and providing, “that in the case of the vacancy of any particular

* Carstares had been tortured during the time of persecution, for the purpose of extorting from him some secrets which he was supposed to possess in regard to the movements of the Prince of Orange. The thumb-screws used on the occasion are still kept in the family. The undaunted Presbyterian was firm as a rock ; and, as a result, was ever after higher than before in the friendship and confidence of the prince, especially after William became king of this country.

church, and for supplying the same with a minister, the heritors of the said parish (being Protestants), and the elders, are to name and propose the person to the whole congregation, to be either approven or disapproven by them ; and if they disapprove, that the disapprovers give their reasons, to the effect the affair be cognosced upon by the presbytery of the bounds, at whose judgment, and by whose determination, the calling and entry of a particular minister is to be ordered and concluded." It was also provided, that with a view of compensating the patrons, they should be made titulars of the tithes of those parishes over which their rights of patronage had extended ; in other words, they received a right to the surplus tithes of those parishes, the ministers being reduced to the rank of mere stipendiaries,—a right which they retained most unjustly, even after their patronages were given back to them by the Act of Queen Anne, holding thus in their hands "both the purchase and the price," and from which they have derived immense sums during the last century and a half. The 600 merks which they were also to receive from each of the parishes, does not seem to have originally formed part of the act. Accordingly, the operation of the act was not suspended on the payment of this money. It came into play at once, and the only reason why in so few instances this small sum was paid, was partly that the people enjoyed the privilege already, and partly, that the patrons, *with whom the power of enforcing payment was vested, did not enforce it.*

The power vested either in heritors or elders, was of a very guarded and limited description. Dr M'Crie, when examined before the committee of the House of Commons on the subject of patronage, was asked the question, "Was the Act 1690 merely a transference of patronage *from one to many?*" to which he replied, "I am not disposed to look upon it in that light, and beg leave to refer to the following extract from a MS. of Mr Wodrow, as containing the best account I have seen of the character and design of that act :—“In May 1710, before the question (that is, the restoration of patronage by Queen Anne's Act) was stirred, in converse with the late advocate, Sir James Stewart of Goodtrees, anent the Act of Parliament abrogating patronage, and declaring the place of the heritors and elders, in what is now termed calling of a minister, he told me that he did draw the act. There were with him two lawyers, and there were three ministers advised with,—Mr Gabriel Cunningham, Mr H. Kennedy, and Mr Rule. He tells me that their design was to bring the matter of settling ministers as near the ancient primitive *χειροτονία* as the circumstances did

allow of at this time. That they were carefully cautious not to bring the heritors and elders in the patron's room, in the matter of presentation, when the patrons were abolished, which, in his judgment, had been as great, if not worse, slavery, and an establishing of I do not know how many patrons in the room of one; and therefore they were very careful to abstract from the word *present*, which might have imported something like this, *and of design, put in the word propose in its room.* That he wonders to see ministers, and the most of persons, confound these two, and suppose that the heritors and elders are now in the patron's place, when they are only to propose, and the people are to approve, or, if they disapprove, give their reasons to the presbytery, who are finally to determine on this matter. The presentation was entirely abolished either in one person or many, and the choice lodged in the hands of the people at the determination of the presbytery."* The following statement is also made by Willison:—"If the body of the congregation disapproved the man nominated, and gave as their reasons, that his gifts were not edifying to them, nor suited to their capacities, and that they could not in conscience consent to his being their minister; such reasons, given by a knowing well-disposed people, were then judged sufficient to stop the affair, lay aside competing candidates, and to proceed to a new election."

Next came the Union with England. It is important to know that the proposal of a Union was regarded with great suspicion by the Presbyterians of Scotland, in consequence of the bitter experience which they had had of the inability of the English nation to understand their Church government, and the recklessness with which they tampered with their most sacred feelings. Although this dislike was abated in consequence of solemn assurances that the continuance of the Presbyterian Church, *as it then stood*, would be made the fundamental article of the Treaty; and although, in consequence of this, the General Assembly, by whose influence the whole project could easily have been defeated, declined farther opposition,—yet the people were violent in the hatred of it. At Glasgow there was a serious riot; at Dumfries, the articles of Union were burnt; and in other parts of the country the fermentation was equally great. This feeling was fostered by the Jacobite party for their own ends. They hated the Union, because it seemed to secure for ever the Revolution Settlement, which they detested, and to exclude for ever all hopes of the return of the Pretender—a violent Papist, then in France, and whom they hoped to see

* Report, pp. 351, 362.

soon restored to the throne of his persecuting ancestors, under the title of James VIII. They therefore laboured to inflame the zeal of our Presbyterian ancestors against the Union, by pretending great anxiety for Presbyterianism, which they now declared to be in imminent danger; but the General Assembly being firm, such an attempt was of little practical effect. Accordingly, the Union took place in 1707, seventeen years after the Act 1690 was passed; and it was "statute and ordained" in the Act of Security, that the Establishment of the Presbyterian Church of Scotland, as it then stood, "should be held and observed in all time coming as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, *without any alteration thereof*, or derogation therefrom, *in any sort*, for ever." "As also, that this Act of Parliament and settlement therein contained, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms, and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union in all time coming." Words, of course, could go no farther. Accordingly, the sixth Act of Queen Anne's Parliament "ratifies, approves, and **FOR EVER CONFIRMS** the fifth Act of the first Parliament of William and Mary, entitled, 'An Act ratifying the Confession of Faith, and settling the Presbyterian Church Government, *with the haill other Acts of Parliament* relating thereto,'" and the kings and queens of England, on their accession to the throne, solemnly swear to maintain all this inviolate.

In so far, therefore, as national faith, pledged in the most solemn way, was concerned, the Church of Scotland was now free for ever from that yoke "which neither we nor our fathers were able to bear." The General Assembly, in their address to the Queen, 1707, expressed their approbation of the arrangement. "But your Majesty," said they, "hath also been concerned to preserve Christian unity and harmony amongst us, by manifesting a pious care *not to straiten us in any thing wherein your Majesty did judge our principles were concerned*. We have such grateful impressions of your Majesty's wise and tender management, as will not only influence ourselves to a firm and steady loyalty, but put us upon using our utmost endeavours, in our stations, to maintain and promote it amongst all in whom we have an interest." * The result has proved, that the security on which they rested was of a very insufficient nature. Our ancestors were simple-hearted, honest men. They had no idea of national perjury, and imagined that a solemn treaty was per-

* Printed Act of Assembly, 1707.

flectly sufficient to secure the object on which their hearts were set. They forgot that they had no representatives in the British House of Peers, as the Church of England had,—that they had none to plead their cause in the British House of Commons,—that whilst the English Universities, as connected with the Church, and the University of Dublin, had representatives in the House of Commons, their colleges had none,—that they were about to be merged in the Parliament of a kingdom, the overwhelming mass of whose members were entirely ignorant of, and opposed to, their form of Church government altogether,—whilst even the members from Scotland being returned by the landholders chiefly, might in many instances be their most deadly foes; and above all, that they had no influence now, as in ancient times, in the Court of Session,—a majority of whose members were originally ministers,—and had no security against that Court becoming entirely opposed to their form of Church government, and labouring, in the exercise of their judicial functions, to subvert it. Above all, no provision was made for securing the planting of well-endowed Presbyterian churches in London, the seat of the Government, where the flower of the Scottish nobility and commons were forced to reside during a large portion of the year, in the discharge of their official duties; while there can be no doubt, that had Edinburgh been fixed upon as the seat of the Government instead of London, the Church of England would have made this most reasonable stipulation on behalf of her members. The operation of these several causes has tended, in many ways, to injure the Church of Scotland, ever since the Union with England. Whilst, in other respects, Scotland has prospered, since then our Church has never received justice in the British Parliament, and the Act of Queen Anne was only one of a series of measures, both at home and abroad, which have, although in a smaller degree, marked the contempt with which England, in violation of the Treaty of Union, regards our simple and venerable Establishment; so that the only part of Lord Belhaven's splendid speech against the Union, which the result has at all verified is the following:—"I think I see a national church founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and pointedest legal sanction that sovereignty could contrive, voluntarily descending into a plain upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other Sectaries."

In order to understand what followed, however, it is necessary that you should consider the parties into which the kingdom was then divided. Just as at present, those parties were

known by the name of Whig and Tory. The Whigs were the supporters of freedom, Protestantism, a limited monarchy, and an Established Church; and, in Scotland, were determined Presbyterians. "A Whig in Scotland," said Lord Belhaven, "is a true blue Presbyterian, who, without considering time or power, *will venture his all for the Kirk*, but something less for the State." The Tories, on the other hand, were Jacobites, devoted partisans of the bloody Stuarts, maintainers of the necessity of Prelacy, and many of them so tinctured with Popery, enamoured of arbitrary power, and full of hatred of the Presbyterian Church, that they were prepared for any measures by which the Revolution Settlement might be upset, and the Pretender made King of Britain. They were exasperated to the uttermost by the defeat of their projects, and the triumph of the Union. The leaders of this party were Lockhart of Carnwath, amongst the Commons, a most dexterous and subtle politician, who has left copious details of their proceedings;* and the Duke of Hamilton amongst the Peers. There were corresponding parties in England, under the same names, although with such varieties as the different states of the two countries made necessary. The great drift of the one party was to maintain the cause of Protestantism, and that civil liberty which never existed in the world apart from it; whilst the others were Papists, or so bent in that direction to be as bad, or so indifferent to all religion, as to be willing to raise a Papist to the throne, though they knew that the certain result would be the downfall of the Protestant Church, and a new bitter persecution.

Immediately after the Union with England, the Papists of France, and the Jacobites of Britain, whose character and views we have stated, began to plot seriously for the overthrow of the Revolution Settlement, and the exaltation to the throne of the Pretender, then known by the name of the Chevalier De St George. For this purpose, they sent over a Colonel Hooke specially to Scotland, to kindle the flame of treason, and, as they said, to "restore to Scotland its lawful king."† A formidable conspiracy was formed, in which many of the Scottish Jacobite nobility embarked.‡ They advised the Pretender "to say nothing on the subject of religion," of course, for the purpose of imposing upon, and securing the aid of, the Scottish Presbyterians; and one Hall, a Popish priest, and agent of the faction, wrote to the French minister, at the suggestion of the Duke of Hamilton, "to conjure him (the Pretender) only to promise the safety of the Protestant religion in general, and to

* Lockhart Papers.

† Hooke's Secret Negotiations.

‡ Lockhart Papers, Struther's History, pp. 25-30.

refer all the rest to his first Parliament." At the same time, the party laboured to send their own friends to the British Parliament, for the purpose of warding off any danger, in the event of the discovery of their treasonable plots. When the proper time was supposed to have arrived, they wrote eager letters, * urging the Pretender to come over, and openly appear at their head. In compliance with this invitation, he sailed from France with a large fleet, munificently fitted out at the expense of that kingdom; whilst the Pope contributed liberally in aid of the expedition, ordered prayers of 40 hours' continuance for his success,—gave him inscriptions, the work of bigoted Popish ladies, to fix upon his colours, and promised indulgences to all who would pray for his success. † He hoped soon to be proclaimed King of Great Britain, under the title of James VIII. of Scotland and III. of England. The Protestant Government of England, unaware of such an impending danger, was roused by these startling events to the most instant and vigorous exertions; and a fleet, under Sir George Byng, dispersed and drove the Pretender's fleet back to France, when they were at the very mouth of the Frith of Forth, and when they had in vain fired the signal guns, which they hoped would have been responded to by their supporters in Scotland. The people of Edinburgh received the victorious Sir George with every demonstration of joy and respect, and gave him the freedom of the city in a gold box, in token of their gratitude for such a signal deliverance. A tide of unbounded satisfaction spread through the United Kingdom, and the event, says Burnet, "is always to be reckoned one of those happy providences, for which we have much to answer." The issue of this enterprise struck the Jacobites dumb with dismay for a season; but the Duke of Hamilton contrived, by giving his influence to the Whigs, in the election of Peers, which soon after took place, to secure the pardon of the conspirators. "Had he not hit on this favourable juncture, and managed it with great address, I am afraid some heads had paid for it," says Lockhart. But with that obstinate infatuation and folly, by which the whole race of Stuarts were distinguished, the Pretender wrote, immediately on his return to France, a letter to his followers in Scotland, by a Charles Farquharson, in which he says, " You are to assure them, that far from being discouraged with what has happened, *we are resolved to move heaven and earth, and to leave no stone unturned to free ourselves and them.*—(Signed) J. R." ‡

No body of men in the kingdom maintained a more deter-

* See Struther's History, pp. 34, 35, vol. i.

† Smollet's History of Great Britain. ‡ Stuart Papers.

mined front of opposition against all such attempts, than the clergy and elders of the Church of Scotland, who knew the Stuart race too well, by sad experience, to wish their return ; and too highly valued their present privileges, to do any thing by which these might be endangered. Hence, in the Queen's letter to the Assembly 1708, it is said,—“ We cannot but acknowledge our satisfaction which the zeal and affection the ministers have shown, at this juncture, to our person and government, upon the appearance of an invasion by our enemies ; and we doubt not of your being all in the same good disposition, and that you will encourage the people in their loyalty to us, and in their abhorrence of this design, which will subvert our religion and all that is dear to us.” In a letter by the Earl of Seafield, to Mr Carstares, March 17, 1708, it is said,—“ All the Presbyterians, and you, in particular, have been very happy in having this opportunity to testify your zeal and loyalty to her Majesty's person and government, and your fixed resolution to withstand and oppose the Popish Pretender. This has rendered all the Presbyterians very acceptable to her Majesty, &c.”* The Assembly, in their address to the Queen, express their “ utmost abhorrence of the late, no less bold than mischievous attempt, that was made by the French monarch to invade this kingdom with an armed force, on design to assist a Popish Pretender in usurping the sovereignty of your Majesty's kingdom ;”† and they appointed a day of thanksgiving, “ in all the parishes within this National Church,” for that great deliverance. All this raised our Church in the estimation of the Protestant party, but exasperated to the uttermost the wrath of the Jacobites.

This signal defeat of the schemes of the Jacobites from without, only led to more desperate plots and efforts from within. In England, especially, clubs were formed for the purpose of advancing the interests of the Pretender, and of propagating falsehoods and spreading signals simultaneously over all parts of the kingdom.‡ These efforts were powerfully seconded by a violent high Church party, which arose at that time in England, precisely like the Oxford party of the present day, crying up apostolic succession, and crying down, as on the high way to ruin, all who differed one jot from the external order of the Church of England. This party was led by a furious bigot, called Dr Sacheverel, Rector of St Saviour's, Southwark, in London,—a devoted maintainer of the divine right of tyrants ; and although a very frothy person, on the whole not destitute of a plausible

* Carstares' State Papers.

+ Assembly Acts, 1708.

‡ Rae's History of the Rebellion.

tongue. He preached and published two sermons, one denouncing the Dissenters, and another crying down all Churchmen who did not go the full length of his absurdities, under the name of "false brethren." These sermons created quite a blaze in England, where deep ignorance and bigotry prevailed amongst the mass of the people. Of the latter sermon, 40,000 copies were printed and sold ; and, by the help of the Jacobites, who cried them up to the skies, these works filled the kingdom and absorbed public attention.

These sermons being regarded as seditious, and fitted to upset the Revolution Settlement, the author was apprehended as a libeller of the government and constitution of the country, and impeached at the bar of the House of Lords, in name of the Commons of England. His trial commenced in the end of February 1710. The high Churchmen and all the Jacobites offered prayers for his success ; and, as his trial continued three weeks, the increasing and excited mob of England, who were taught to believe that their Church was in danger, attended the pompous Doctor every day to and from Westminster Hall. The Queen also attended the trial, and as her sedan passed along the street, she was beset with cries of,—“ God bless your Majesty and the Church,—we hope your Majesty is for Dr Sacheverel.” The mob compelled the people to uncover as the Doctor passed, insulted all the members of Parliament that were against him, and committed many other excesses.* The House of Commons prayed the Queen to suppress these tumults, “ set on foot by Papists, non-jurors, and other enemies of her Majesty’s title and government.” The Queen, by this time, however, had begun to drink in the Doctor’s opinions herself, in regard to the divine right of tyrants, and nothing was done ; nay, although the Doctor was at length found guilty, by a majority of 17, and his books ordered to be burnt, his punishment consisted only in a suspension from preaching for three years, the Queen assisting to mitigate the sentence. The Scotch Jacobites took a deep interest in these proceedings, and thought the game would soon now be all their own.

At this time the General Assembly met, and, with obvious reference to these proceedings, said in their letter to the Queen, —“ We crave leave, on this occasion, to assure your Majesty that we abhor all the principles which stain the glory of the Reformed religion, and all opinions that have a tendency to shake the excellent and solid foundation upon which your Majesty’s just title to the supreme government of your do-

* Smollet’s History. Sommerville’s History of the Reign of Queen Anne.

minions, and the security of your throne in a Protestant succession, against all Popish Pretenders, are happily established."* They also appointed a day of fasting, "on account of the many evidences of God's displeasure, and fearful symptoms of approaching judgments," &c. Meantime, Dr Sacheverel, who, although forbidden to preach, was not forbidden to speak, went every where in England, crying up his doctrines, the people looking upon him as a divinity, and showering their hosannahs upon him, whilst they pulled down the Presbyterian meeting-houses,—the Presbyterians being the objects of the Doctor's peculiar aversion, and being called by him, "plagues, growing evils, and incarnate devils." He soon received a living in Wales; and, in defiance of the sentence of the Peers, he went to take possession of it with all the pomp of an Eastern monarch. In his way down he was feasted at Oxford,—entertained sumptuously by many noblemen, whilst the magistrates of towns came out with troops of horsemen to receive him, ornamented the hedges with flowers and the steeples with streamers; and nothing was now heard but the Church and Dr Sacheverel.†

At this stage the Queen herself seems to have gone entirely over to this new party. She dismissed her Ministry, chose a new one from amongst the leading Jacobites and ultra high Churchmen, dissolved Parliament, and issued writs for a general election. Sir Simon Harcourt, *the defender of Dr Sacheverel at his trial, was Lord Chancellor* under this new administration; the Duke of Hamilton, *leader of the Scottish Jacobites, was Lieutenant of Lancaster*; Rochester, Ormond, Harley, Dartmouth, and Bolingbroke, all then and afterwards figured in the Ministry. In a word, the whole affairs of the kingdom were now made over to a junto of Papists, semi-Papists, and avowed infidels,—a union which often meets in the management of kingdoms. Except the Duke of Marlborough, who could not with decency be rejected, *not one of the Protestant party was left in the new administration.* The Jacobites now knew no bounds to their joy, and began to make a most desperate effort to secure a kindred Parliament. The Presbyterians of Scotland began to see their danger now, in being entirely at the mercy of England, when it was too late. The English high Church clergy there, says Burnet, "besides a course, for some months, of inflammatory sermons, went about from house to house, pressing the people to show, on this occasion, their zeal for the Church, and now or never to serve it." The Scottish Jacobites strained every nerve for the same object, and with striking suc-

* Acts of Assembly, 1710.

† Smollet's History, and Struther's History.

cess, as the middling classes, who were all keen Presbyterians, had no share in the elections. *Lockhart of Carnwath, the very little leader of the party, was elected member for the county of Mid-Lothian, the estate of Dryden being then in that family.* One of the Jacobites tells us that they represented to their party, “that now or never was the time to do something for the king,” at the very time when they were shouting at the pitch of their voices loyalty and devotion to the interests of Queen Anne.

Matters now began to look very gloomy. When the new Parliament assembled, the Jacobites had a large majority. The Queen’s speech assumed the very language of Sacheverel, and instead of speaking, as usual, in regard to toleration, her Ministry made her say, that “she would maintain the indulgence granted by law to tender consciences.” “This change,” says Burnet, “into the very language of Sacheverel was much observed.” It proved that the Queen was now entirely won over. The great object of the hatred of the faction now in power was, of course, the Church of Scotland; but, like serpents, they proceeded with great cunning. They approached the Assembly, 1711, with words smooth as oil, at the very time when they were plotting the darkest schemes. “We are persuaded, from your prudent and calm proceedings in former Assemblies, that at this time you will go on in the same way, and that you will take care to plant vacant churches with learned, diligent, and pious ministers, to promote religion, to suppress vice and impiety, and prevent the growth of Popery and Atheism. And nothing shall be wanting on our part to convince you of our royal intentions to maintain you in the full possession of your rights and privileges as by law established.”* This was pretty well, coming, as it did, from Papists, semi-Papists, and infidels. Never was a more gross display of hypocrisy. Their only object was then to get over the Assembly quietly; since, at that very time they were preparing a series of measures for the destruction of the Church of Scotland. It would seem that, with a view of getting a plausible pretext for restoring patronage in Scotland, *these same Jacobites had all along, and especially at this time, in spite of their hypocritical pretences, endeavoured to CREATE disputes at the settlement of ministers,* for the purpose of giving a colouring of truth to the notoriously false statement by which they had resolved to conceal their own wicked purposes, viz., that the Act 1690 caused “heats and divisions.” Of this the Assembly in that year took decided notice, in answer to the Queen’s letter. “The planting of vacant churches with pious and learned ministers, hath always been, and shall be our most

* Acts of Assembly, 1711.

serious endeavour ; but we cannot conceal from your Majesty, that in some places we meet with too often and DESIGNED OPPOSITION ; however, we are resolved, that how inhuman soever these insults be, they shall not discourage us from obeying God and your Majesty ; ” and they express a hope that they shall be able, through the influence of the royal authority, to “ give an effectual check to such as openly contemn your laws, and have too little regard to the public peace.” The grand object of the Popish ministry was to secure an Act of Parliament for making the Pretender successor to Queen Anne, for overturning the Revolution Settlement, and restoring the ancient tyrannical system out of which our ancestors had made so recent and happy an escape. Still they wished to keep their plans profoundly secret, and professed totally different objects. But in addition to the letter from which we have quoted, the General Assembly intimated its deep suspicion of the movements proceeding at head-quarters, in the following emphatic way,—“ The General Assembly did, by an unanimous vote, recommend to all the ministers of this Church that, after praying for her Majesty Queen Anne, *they do expressly mention the Princess Sophia, Electress and Duchess Dowager of Hanover, and the PROTESTANT line of that family* upon whom the succession of the crown of these dominions is by law established, or that they pray in such terms as *their congregations may understand that they mean* the Princess Sophia, and the heirs of her body, BEING PROTESTANTS.” These decided proceedings without doubt incensed the Ministry, who were determined, if possible, to concoct their plans in the dark, and to take the Church of Scotland by surprise. We find a letter from Sunderland to Carstares, in regard to the previous fast appointed by the Church, in consequence of the encouragement given to Popery, in which he says that, for that fast, “ it must be owned, there was no occasion ; ” and, said he, “ I hope it will be the care and study of the *cautious and prudent* of the ministers to keep them” (the Assembly) “ as much as possible from *unnecessarily asserting their authority and privileges*, which is what their enemies desire above all things they should, and which cannot fail to bring that upon them which they seem so much to apprehend from the Union.” What profound cunning and jesuitism ! Their object was, perhaps in the most deceitful way, to sound Carstares in regard to the iniquitous measures which were already resolved upon, and in preparation against the Church, and if possible to make that Church stand by quietly, and see Popery exalted into the throne ; at all events, to prepare for throwing the blame of their own diabolical wickedness

upon the alleged imprudence of the clergy. Other attempts were made to soothe the Church of Scotland, and throw her off her guard; and especially, it is mentioned in the Life of Carstares, that within a year before the passing of the Patronage Act, letters were written to him by the Earl of Oxford, one of the Ministry, and Lord Loudon, a Scotch Peer, telling him to dismiss all his fears, as there was no intention, on the part of the Queen or Ministry, to interfere with the privileges of the Church of Scotland.* Every event, however, filled the Presbyterians with dread. Floods of pamphlets, chiefly written by Dr Sage, who previously was Bishop of Dunblane, crying down the Presbyterians, and setting forth the pretended grievances of the bishops and curates, filled the country. One Greenshields, a supporter of the Jacobites, whose meeting-house had been shut up by the magistrates of Edinburgh—a sentence which the Court of Session confirmed, made a great uproar, endeavoured to enlist the sympathies of the English Episcopilians, and carried his case to the House of Lords, where, through the influence of the Court, the sentence complained of was reversed, and the magistrates of Edinburgh were subjected to heavy damages. Flushed with success in all their late movements, the zeal of the Popish party knew no bounds. They celebrated the birth-day of the Pretender in Edinburgh and other places with great solemnity, as if he had been already king.† A medal, in honour of him as king, and pointing to his speedy return, was struck, and handed round amongst the party. And Lesly tells us, that now “*the Queen was favourably disposed to the king, her brother, and that she would rather choose to have him for her successor than the Prince of Hanover;* but she is timid, and does not know to whom to give her confidence. The Duke of Leeds told me,” says he, “that he had endeavoured to sound her as much as he could on the subject; and he is in her confidence, and has free access to her; but *though she never chose to explain herself upon this point, she says nothing against him.*” With the sources of information now in our possession, it is quite certain that one great means by which they hoped to accomplish these desperate and illegal objects, was a complete alteration in the constitution of the Church of Scotland, both for the purpose of quelling the Protestant spirit, which was so strong within her,—of promoting a time-serving, self-seeking, subservient clergy,—and creating such disgust in Scotland at the proceedings of the British Parliament, as might make the Scotch sick of the Union, and, in the event of the failure of the schemes of the Jacobites in England, might make them willing to tear asunder

* Dr Burns' Evidence, Patronage Report, p. 85. † Burnet's History.

the Union Settlement, and receive the Pretender back to the throne of Scotland. For this purpose, they began with two measures,—both concocted by the Scotch Jacobites, ushered suddenly into Parliament, and hurried through in defiance of the Treaty of Union. These measures are generally mentioned together in the History, and therefore we couple them here. One was falsely called an act in regard to “toleration;” the other was the act to restore Church Patronage. The measure in regard to “toleration” was designed, not only to give full freedom to the Episcopalians to worship God according to their conscience, which, of course, was highly proper, but, besides,—and *this was the real, though covert, design of the act*,—to prepare the way for restoring Prelacy, and to withdraw all sanction of the civil authority from the decisions of the Church Courts in Scotland; thus robbing her, as Bishop Burnet says, although too strongly, of that “which, in most places, is looked on as the chief, if not the only, strength of Church power.” By that act, “all civil magistrates are expressly prohibited and discharged to force or compel any person or persons to appear when summoned, or to give obedience to any such sentence” (of the Ecclesiastical Courts) “when pronounced, any law or custom to the contrary notwithstanding.” The object of this was obvious. But when a great outcry was raised, and a deputation of the principal clergy sent to London to oppose this measure, they were treated with the most cool indifference and contempt. The other act was, however, the main pillar of their confidence, viz., the act restoring Church Patronage, and overturning, on this point, the whole Revolution Settlement. To prove that both these acts were concocted by the Scotch Jacobites for the basest ends, and that especially this last was designed to upset our Church, attend to the following extracts. The first is from a letter, preserved by Wodrow in MS., and quoted by Dr Welsh in his evidence before the House of Commons, written as early as 1708, by a distinguished member of the Jacobite faction, once a bishop, to another Scotch Episcopalian. It is rather more satisfactory than the theoretical assertions of certain prejudiced modern Churchmen. After stating that the grand object at which the party must aim, was the restoration of Prelacy, and that the Act of Union had made this very difficult, the author goes on to say, “The matter must first be sounded at a distance, and a just computation of our strength made, and some previous settlement made—such as *restoring of patronage and the granting of indulgence*, with liberty to possess churches and benefices; and this will undoubtedly make way for an entire re-establishment of the ancient Apostolic order

*of Bishops ; for our Queen, having right, as patron, to a great many churches, she will still prefer those of our persuasion to others ; and the rest of laical patrons, partly through inclination and partly through interest, to please her Majesty, will follow her example.”** Lockhart of Carnwath, the wily, profound, and unscrupulous leader of the Scotch Jacobites, is no less explicit. “As my chief, my only design,” says he, “by engaging in public affairs, was to serve *the King*,” i. e., the Pretender, “so far as I was capable, I had that always primarily in view. * * * And, in order to prepare those *who I knew would not assist the King, out of a principle of loyalty (I mean the west country Presbyterians)*, for receiving impressions that might prevail with them on other topics, I had, in concert with Dr Abercromby, been at a good deal of pains to publish and disperse amongst these people papers, which gave them, from time to time, full accounts of what were likely to be the consequences of the Union, and showed how impossible it was for the Scots to subsist under it. AND I PRESSED THE TOLERATION AND PATRONAGE ACTS MORE EARNESTLY, that I thought the Presbyterian clergy would be from thence convinced that the establishment of their Kirk would, in time, be overturned, as it was obvious that the security thereof was not so thoroughly established by the Union as they imagined.”†

These being the undoubted designs of the conspirators, and they have arranged in secret all their plans, and done their best to mystify and confound the clergy of the Church of Scotland without success, Mr Murray, one of the Scotch members, suddenly rose in the House of Commons on the 13th of March 1712, nine months after the glozing letter to the Assembly already quoted, and obtained leave to bring in a bill for restoring Church Patronage in Scotland. The bill was accordingly brought in, and passed so rapidly through its various stages, that, on the 7th of April, it passed the House of Commons, 173 members voting *for*, and 76 against it. On the 8th of April, it was brought up to the House of Lords.

The Church of Scotland took instant alarm, and was convinced her worst fears were realized, when she saw this bill first introduced. At a meeting of the Commission of the Assembly, Carstares, Blackwell, and Bailie, were sent to London with a strong remonstrance, and instructions to offer the utmost opposition to the measure. But so rapid were the movements of the enemy, that, by the time they reached London, the bill had passed the Commons, and been taken to the House of Lords. The Lords consented to hear them by counsel on the subject;

* Patronage Report, p. 227. † Lockhart Papers, vol. i., pp. 417, 418.

but although their plea was as righteous as any ever submitted to a human tribunal, so determined were the enemies of the Church, that they heard the counsel for these commissioners, read the bill a second time, committed it, reported it, and read it a third time *all in one day*, viz., the 12th of April. On the 14th it was returned to the House of Commons with amendments, which, being agreed to without opposition, the bill received the royal assent by Queen Anne on the throne, on the 22d of April, *the whole transaction being completed in little more than a month.* It is of importance to notice, in Hansard's History of the Debates in Parliament, that of thirteen bishops who were *present* in the House of Lords, *five voted against the bill*; and the Commissioners for the Church assert, in their representation to the House of Lords, that "it cannot but seem strange that this bill should be so much insisted upon, when there are *so many patrons, and those, too, of the most considerable in Scotland, that are against such a restitution.*" It is also mentioned by Wodrow, in a memorial which he drew up in 1717, on the subject of patronage, "that the King" (George I.), "when elector of Hanover, did express his dislike of the bill for bringing in patrons, as what would break his best friends in Scotland." All opposition, however, was unavailing; for it was the determination of those in power to carry through this measure, which, as Burnet informs us, was framed "*on design to weaken and undermine the Presbyterian Establishment,*" since "it was set up by the Presbyterians from their first beginning as a principle, that parishes had, from warrants of Scripture, a right to choose their ministers." Sir Walter Scott, also, himself a decided Jacobite, justly says,—"The act which restored to patrons the right of presenting clergymen to vacant churches, was designed *to render the churchmen more dependent on the aristocracy*, and to separate them, in some degree, from their congregations, who could not be supposed to be equally attached to, or influenced by, a minister who held his living by the gift of a great man, as by one who was chosen by their own free voice." If any farther evidence were required of this, than is furnished by the whole scope of this dark history, and the unanimous testimony of historians of every diversity of opinion on other subjects, it may be found in the fact, that when Carstares was in London on this occasion, he found several other bills prepared for harassing and crippling the Church of Scotland; and particularly two, one A BILL FOR ABOLISHING ALL GENERAL ASSEMBLIES!—and another for compelling Presbyteries, *under certain penalties, to settle any licentiate, who received a presentation, without farther form or trial*, and especially with-

out any form of consulting the parishioners. The ministry soon also gave other decided evidences of their deadly hostility to the Church of Scotland.

Next came the Assembly of 1712 ; and, in the true spirit of hypocrisy and brazen impudence, those who had been acting so shamefully, approached that court, whose very existence they had deliberately threatened, with the following fawning language :—“ Lest any late occurrences may have possessed some of you with fears and jealousies, we take this solemn occasion to assure you that it is *our firm purpose to maintain the Church of Scotland as established by law,* ” &c. The General Assembly, of course, treated such assurances only with the respect to which, coming from such a quarter, they were entitled,—ratified what their commissioners had done in opposition to the Patronage Act as ruinous to the interests of the Church, and a deliberate violation of the Treaty of Union, and showed that they were fully as well aware of the evils likely to spring from that measure, as we are after nearly a century and a half of experience. The same subject was again taken up in the Commission. “ The Commission of Assembly,” says Wodrow, “ sat down on the 17th of this month (July 1712) : the business of patronage was what came in, by a letter from the Synod of Aberdeen and Angus, for direction how to carry. A conference was first held among the members, and then a committee was appointed to draw an overture : the matter was debated for some time. *It was owned by all that patronages were a very great grievance, and sinful in the imposers, and a breach of the security of the Presbyterian constitution by the Union.* ” The notable discovery was not made at that period, that the Act of Queen Anne was the very link of connection between Church and State ! Our ancestors saw clearly that it was a blow aimed at the very vitals of our Church Establishment, and that it was urged through the British Parliament, in defiance of national faith, and their utmost remonstrances, by a cruel and domineering party, simply because the destruction of our venerable Establishment was meditated,—because we were weak, and England and the Jacobites were strong. The same facts will explain the words of Professor Hutchison, so celebrated in the world of literature, in his Treatise on Patronage, published in 1735. He says,—“ Thus, matters continued in a very peaceable easy manner, till the year 1711, when the late Queen’s ministry, intending to defeat the Hanover succession, took all methods to harass such as were firmly attached to it, which the Presbyterian gentry and clergy ever were, both from principle and interest. An act, therefore, was obtained,

restoring patrons to their power, though in the *most direct opposition to the articles of the Union, and the public faith of the nation, then given in that sacred Treaty upon which is founded his Majesty's title to the crown of Scotland, and the very Parliament of Great Britain itself.*" This righteous complaint is again reiterated in the declaration of the Assembly 1736, known to have been drawn up by President Dundas, and indeed in all the statements of our ancestors on the subject. "This Act 10th Anne, it is well known, and always has been declared, was imposed upon this Church by means of persons OF OUR OWN COUNTRY, who were enemies to the Protestant succession, as they soon after discovered in the strongest manner; and enemies to this Church, *by reason of her inviolable adherence to that succession, and was by them intended to afflict and oppress this Church,* and to create discontents amongst the people therein, and to open a door for patrons arbitrarily to impose upon the people as ministers, persons proper for instilling into their minds principles of disloyalty and disaffection to the present happy constitution." These being the avowed objects of the Jacobites, who held the power, all the petitions and remonstrances of our ancestors went for nothing; and therefore, whatever evils have sprung, or may yet spring, from that act, we may rest assured, that they cannot possibly be greater than our ancestors anticipated, and were designed to result from it by the men by whom it was framed.

After the passing of this act, we find the Jacobites increasing in confidence. They presented an address soon after to the Queen, in which they express their anxiety, that "after her Majesty's late* demise, to put a period to our intestine divisions, *the hereditary right, and Parliamentary sanction could possibly meet in a lineal succession,*" i. e., the Popish Pretender. The persons who carried this address were introduced to the Queen by Lord Bolingbroke, most graciously received, and sent back with special marks of the royal approbation. Attempts were also every where made, according to the cunning plan previously arranged, to enlist the Presbyterians in defence of the Pretender's claims, upon the ground that he would dissolve the Union, and rid the Scotch of the yoke of patronage which these Jesuits had introduced, and the other grievances inflicted by the British Parliament. The Commission of the General Assembly, with noble shrewdness and magnanimity, instead of being moved by these representations, did, in August 1713, publish a "Seasonable Warning" against those "who do openly in our chief cities, and through the whole country, promote the interests of

* Far distant.

a Pretender to the crown who has been educated in *all the maxims of Popish bigotry and French tyranny.*" The "Warning" contains the following striking passage, in reference to the argument used in addressing Presbyterians in regard to the Patronage Act, and which was first invented, as we have already proved, by Lockhart himself :—" Moreover, that they may diminish the just aversion of the people of this land to the Pretender, and engage them to his interest, they do *artfully suggest*, and with the utmost confidence assure them, that were he once advanced to the throne, *he would procure the dissolution of the Union*; but we entreat all persons to consider, that whatever be the inconveniences and dangerous consequences of the Union to our civil interests, or the grievances of this Church under it, against which last, both the Commission and the General Assembly gave solemn and seasonable testimony; * * * yet, to expect a remedy to these grievances from the Pretender, is a most gross delusion, and a bait which we cannot think will catch any but such as are very simple and credulous; yea, supposing there were ground, as there is none, to expect that the Pretender would dissolve the Union if he should come to the throne, *yet, that could not be at all a sufficient compensation for the dreadful train of the far greater evils of tyrannical government and the abominations of Popery*, which we could not but meet with if a person of his principles and education should be advanced to the supreme authority. *Any remedy that can be looked for from him would prove much worse than our present disease.*" Notwithstanding this stern and unbending firmness on the part of the Church of Scotland, the Jacobites did not lose sight of their object, which, however, they mainly expected to secure now, through help of the Episcopal clergy; and, in the Parliament 1714, we find that Lockhart had prepared a bill "for resuming the bishops' revenues in Scotland, and applying the same towards relief of the Episcopal clergy." There is also evidence on record, that they wished to strip the universities of the funds bestowed on them, "*seeing these universities at present were seminaries of rebellion and schism.*" But in consequence of disputes among themselves these schemes were defeated; and suddenly, amidst their projects, "*their wine was mixed with water,*" they were all struck dumb with astonishment and dismay, and their other schemes scattered to the winds by the death of Queen Anne herself, upon whom all their hopes depended, on the 1st of August 1714, after a feeble, vacillating, and ultimately most pernicious reign. Had she lived much longer, no one can say what the result would have been; but George I. was now proclaimed King, to the great delight of all

the Protestants of the empire. In Edinburgh, his accession was hailed with special ecstacy. The Commission of the Assembly hastened to send a deputation to London, to wait personally on his Majesty, and make known the great joy felt by the Church of Scotland at his elevation to the throne,—the active part that Church took to promote his interests,—and their hope not only of being free from future encroachment, but that past evils would be completely redressed. To all this, the king made a most gracious reply. Meantime, the Pretender, in bitter disappointment, sent a letter to his friends, August 29, 1714, in which he said, “ We had reason to hope that a wise people would not have lost *so natural an occasion of recalling us* as they have lately had.” When the king opened his first Parliament in March 1715, having chosen a new Ministry, he says in his speech, “ The Pretender, who still resides at Lorrain, threatens to disturb us, and boasts of the assistance which he still expects here, to repair his former disappointments.” In reply to which, the Commons declared, that what raised their utmost indignation was, that it appeared *his hopes were built upon the measures that had been taken for some time past in Great Britain.* And Mr Stanhope, a member of the new Ministry, speaking on the subject, said, that “ notwithstanding all the endeavours which had been used to prevent a discovery of the late mismanagement, *by conveying away several papers from the Secretary's office, yet the Government had sufficient evidence to prove the late Ministry THE MOST CORRUPT THAT EVER SAT AT THE HELM.*”

In fact, they had brought the country to the very brink of rebellion. In dismay, Bolingbroke fled to France; others of the former Ministry were impeached; and the Jacobites, particularly in Scotland, maddened at the total overthrow of their well-laid plans, broke out into open rebellion. The Presbyterian ministers were most zealous in opposing them, and in stirring up their people to fight for the King and Constitution, whilst some of the Episcopal clergy openly joined the rebels. Wherever Presbyterianism was strong, loyalty was conspicuous. Glasgow, Greenock, Kilmarnock, all distinguished themselves by their zealous support of the Throne and Constitution; and the General Assembly, in 1715, addressed the King in the following terms:—“ We esteemed the peaceable accession of your Majesty to the throne of these nations, upon the demise of our late Sovereign, Queen Anne, so great a blessing, *that we were frequent in our prayers to God for it;* and we can never be thankful enough for the merciful return which He hath given to our requests; for it is to your Majesty, under God, we owe

the preservation both of our holy religion and our valuable civil liberties; and we must have been betrayers of both if we had not been zealously concerned for the succession of your royal family," &c. The same Assembly sent up a strong remonstrance against patronage, which unfortunately was unsuccessful, as every similar application has been since. No man in Scotland ventured to defend that system, and particularly the means by which it was restored, till two or three generations had gone to their graves; and the facts which we have just narrated were so completely forgotten, that venerable doctors could complacently speak of Bolingbroke's instrument of torture and tyranny as the main link of connection between the Church and State! The Church of Scotland has never been able to throw off the yoke. This may have partly been because, till now, she has never made a death-struggle against it. Patronage has proved to be like the boot and the thumb-screw of the persecutor,—loose and easy at first, but gradually made firmer and firmer, as the screw is turned and the wedge is driven home, till the very soul of the patient is wrung with agony. Even so patronage was at first (though denounced strenuously by our ancestors) a comparatively gentle yoke. Patrons often stood aside, and allowed the people to choose; no presentee received a presentation unconditionally till *twenty years* after the Act of Queen Anne was passed; but Robertson fastened the screw more firmly, and drove the wedge home; and Brougham has completed the work which his kinsman so hopefully began. Now, the iron has entered the very soul of our Church, and all are convinced that the instrument of torture must either be loosened or removed, or a separation between soul and body will ensue.

From the short history which we have thus given, however imperfect, certain truths of vast importance, to be kept in view in the present engrossing struggle, will undeniably appear.

I. That any thing approaching to absolute patronage has always been abhorrent to the Church of Scotland,—that at our union with England that system did not exist in our Church at all,—that when it was restored, the whole courts of our Church, and people of our land, lifted up a nearly unanimous testimony against it, as something erroneous in principle, and fitted to be eminently injurious in practice; and this testimony has never ceased to be maintained more or less faithfully till the present hour. Professor Hutchison tells us, that in his day, which was *twenty-three years after* the passing of the Act of Queen Anne, "the direct pleading for patronages in Scotland was so odious to all men of piety, that *not one of the clergy, not a king's chap-*

*lain, or politician-clergyman among them, dared to open his mouth in favour of them in their Assemblies and Synods. * * * All honest men among the clergy abhor them.*" The opposite state of feeling has crept in by degrees, during a century of misrule, and has at once been a cause and a consequence of the declension of the Church. It is again rapidly going out as Christianity is coming in.

II. That when the Act of Queen Anne was passed, it was not called for by any evils existing under the previous system. The "heats and divisions" to which the Act of Queen Anne refers, had scarcely any existence, except in the wicked imaginations of those who framed that act. Like all wickedness since the days of Eden, their's required to be ushered into the world under some good pretence; and their power of telling deliberate falsehoods we have already abundantly illustrated. Besides, whilst under the old act, we know that no split took place amongst the Presbyterians of Scotland on the ground of the wrong appointment of ministers, the new act has, without doubt, "caused heats and divisions" which have ended in the separation of nearly 500,000 people from the Church of their fathers. The whole matter resolves itself into this, that being at a loss for a pretence for doing one of the most nefarious things of which there is any mention in history, they were not even at the pains to invent a new one, but simply put forth, as their preamble, the old hackneyed device of tyrants in all ages, when about to abridge the religious liberties of mankind.

III. That the Act of Queen Anne, restoring patronage, was a deliberate violation of the Treaty of Union. This has never been doubted by intelligent persons. Our ancestors might therefore have resisted the act from the beginning, as being a subversion of the Constitution. Talk of its being *ultra vires*, on the part of the Church, to regulate the induction of presentees under this act! We are entitled to hold, that this act itself, and every thing done under its authority, was and is *ultra vires* even of the British Parliament. Talk of breaches of compact! The only breach of compact, and one of the most shameful recorded in the annals of the world, was that in which the whole present dispute originated, and by which the Act of Queen Anne itself came into existence. And, therefore, in dealing with intelligent Englishmen, the question is not,—"Do you approve of our mode of appointing ministers?" for it matters not whether they approve of it or not, any more than they approve of other parts of our ecclesiastical system, in which we differ

from them ; but,—“ Do you approve of national justice, or can you vindicate national perjury ? ” You should have considered those questions in regard to our forms of procedure, before you entered into union with a Presbyterian country ; but having done so, and agreed to a solemn treaty which your ancestors cruelly violated, is it not fair, that you should undo that gross act of injustice, aggravated by national perjury, from which so many evils have obviously sprung ? This argument is, of course, all the stronger, if the Church of Scotland only claims, as she is doing at present in the principle of non-intrusion, *a portion of that, to the whole of which she is most justly entitled.* This is the true state of the question between us, the patrons, and the English Parliament ; and to attempt, as the Dean of Faculty has done, to mingle it up with general discussions in regard to England and the state of Church patronage there, for the purpose of raising up against our righteous claims the prejudices of a powerful people, is, besides its sordid cruelty, just to play over again the very game of the Jacobites, and blow the flame, which of old ended in general confusion and civil war.

IV. That the Act of Queen Anne was introduced by the open enemies and persecutors of the Presbyterian Church, for the avowed purpose of subverting it. Their object was, no doubt, frustrated by the kind providence of God ; but it is unquestionable, that this act was first introduced into the statute-book with a similar object to that for which the barrels of gunpowder were introduced below the Houses of Parliament before the Gunpowder Plot. In both cases the plots were discovered just in time. But unfortunately in our case the elements of destruction have never been removed ; and the first explosion, at the time of the Secession and Relief, although it did not carry off the roof from the house, certainly scattered and made sad havoc amongst the inmates and property, whilst we are now threatened with a second explosion from the same source, which may possibly lay the whole building in ruins. It is striking, when one thinks of the party by whose machinations of old all this evil was brought upon the Church of our fathers,—to see their lineal descendants, the Jacobites of the present day, creeping forth from their obscurity in all parts of Scotland, for the purpose of aiding the moderate clergy in their desperate struggle, and finishing what their ancestors commenced, by opposing the righteous demands of the Church of Scotland, even at the risk of laying prostrate every institution of the kingdom. They thus serve themselves heirs to the unholy deeds and designs of some of the basest men that this kingdom ever saw. Nay, they

even surpass the Jacobites of the beginning of last century. For all men were then so well convinced that the right of presenting ministers in Scotland had no better origin than the dark and deceitful plans of Queen Anne's ministry, whilst, at the same time, it was opposed to the Revolution Settlement and Treaty of Union, that patrons were often ashamed to take advantage of such an enactment. Preachers were ashamed of it; Church Courts unanimously considered it as inconsistent with the constitution of the Church of Scotland; and even *during the whole reign of the wily Principal Robertson*, and down till the year 1784, the Commission of the Assembly was annually instructed to adopt all proper means for getting rid of it altogether. In a word, two opinions did not exist on the subject, till two or three whole generations had gone to their graves. And it will indeed be strange, if, in such a time as the present, when our Church is more than ever instinct with spiritual life, and our nation boasts of its superior intelligence, its noblest institution, the Church of Scotland, shall, for the sake of a few hireling preachers, be attempted to be strangled before the eyes of an astonished world, with the same rope which the cunning and infamous Bolingbroke, 130 years ago, threw round her neck,—and that too, by professed maintainers of the constitution of the kingdom.

Such mad attempts, persevered in, will infallibly lead soon to results which it is fearful to contemplate, shaking the nation to its centre, and perhaps leading the people of this kingdom to conclude that England has, with her own hand, torn asunder the link of union, with Scotland, at the very time when she is threatened with violent dismemberment, by the millions of Ireland. May the Great Head of the Church avert all such evils, and lead to a righteous and peaceful settlement of all our grievances.

P.S.—It will be observed by those who have read the First Edition, that this one is much abridged, and in some places slightly altered.

**LIST OF SCOTTISH PATRONAGES,
SOLE, HALFS, AND THIRDS,
AND BY WHOM HELD.**

Arranged from the Edinburgh Almanack, 1840.

		Sole.	Half.	Thirds.		Sole.	Half.	Thirds.
Crown, -	-	285	33	1	Brought forward,	648	77	1
Town-Councils,	-	33	4	0	Lords, Dundas -	-	1	0
Colleges,	-	33	2	0	" Elbank -	-	1	0
Dukes, Athol	-	33	2	0	" Elphinston -	-	1	0
" Argyle -	-	25	3	0	" Gray -	-	0	1
" Buccleuch	-	26	5	0	" Lovat -	-	3	0
" Hamilton	-	13	0	0	" Lyndoch -	-	1	0
" Montrose	-	7	0	0	" Napier -	-	1	0
" Richmond	-	9	1	0	" Panmure -	-	1	0
" Roxburgh	-	9	0	0	" Polwarth -	-	1	0
" Sutherland	-	9	1	0	" Salton -	-	3	0
Duchesses, D'Coligny	-	2	0	0	" Torphichen -	-	2	0
Portland	-	33	0	0	" Wharncliffe -	-	2	0
Marquesses, Abercorn	-	33	0	0	Ladies, Baird -	-	1	1
Breadalbane	-	33	3	0	" Keith -	-	1	1
" Bute	-	6	0	0	" M. Montgomery -	5	0	0
" Huntly	-	4	0	0	Willoughby de Eresby	3	0	0
" Lothian	-	1	1	0	Baronets, Sir R. Abercromby -	2	1	0
" Queensberry	-	1	1	0	" Sir W. C. Anstruther -	8	1	0
" Tweeddale	-	1	1	0	" Sir W. Baillie of Polkemmet -	1	0	0
Marchionesses, Ailsa	-	1	0	0	met -	-	1	0
Dowager of Breadalbane	-	1	0	0	" Sir James Boswell -	1	0	0
Hastings	3	0	0	" Sir T. Burnet of Leys -	1	0	0	
Earls, Aberdeen	"	33	0	0	" Sir H. P. H. Campbell -	3	1	0
Airlie	-	3	1	0	" Sir T. G. Carmichael -	2	0	0
Balcarras	-	1	0	0	" Sir James Carnegie -	1	0	0
Euchan	-	1	0	0	" Sir George Clerk -	2	0	0
Camperdown	-	1	0	0	" Sir James Colquhoun -	6	0	0
Cawdor	-	3	2	0	" Sir J. H. Dalrymple -	2	1	0
Dalhouse	-	1	0	0	" Sir Hew Dalrymple -	1	0	0
Dunmore	-	2	0	0	" Sir R. K. Dick -	1	0	0
Eglinton	-	10	0	0	" Sir W. H. Don -	1	0	0
Errol	-	1	0	0	" Sir F. W. Drummond -	1	0	0
Fife	-	19	2	0	" Sir Arch. Dunbar -	1	0	0
Galloway	-	2	0	0	" Sir C. Dalrymple Ferguson -	2	0	0
Glasgow	-	2	0	0	" Sir John Forbes of Cragie -	-	-	-
Haddington	-	7	1	0	V.F.	7	2	0
Hopetoun	-	7	3	0	" Sir John Hall -	1	0	0
Kinnoul	-	6	1	0	" Sir W. Jardine -	0	1	0
Kintore	-	1	0	0	" Sir David Kinloch -	1	0	0
Lauderdale	-	1	0	0	" Sir N. M'D. Lockhart -	5	1	0
Leven	-	1	0	0	" Sir J. W. M'Kenzie -	1	0	0
Mansfield	-	7	1	0	" Sir E. J. M. M'Gregor -	1	0	0
Mart	-	1	0	0	" Sir David Maxwell -	1	0	0
Minto	-	2	0	0	" Sir John Maxwell -	1	0	0
Moray	-	6	3	0	" Sir P. H. Maxwell -	0	1	0
Morton	-	1	1	0	" Sir Neil Menzies -	1	1	0
Roseberry	-	2	1	0	" Sir Charles Menteath -	1	0	0
Roslyn	-	2	0	0	" Sir Thomas Moncrieffe -	1	0	0
Rothes	-	2	0	0	" Sir Graham Montgomery -	1	0	0
Seafield	-	13	1	0	" Sir M. W. Napier -	1	0	0
Selkirk	-	1	0	0	" Sir J. Richardson -	1	0	0
Stair	-	2	0	0	" Sir William Scott -	1	0	0
Strathmore	-	4	0	0	" Sir George Sinclair -	1	0	0
Wemyss	-	7	0	0	" Sir M. R. S. Stewart -	3	0	0
Zetland	-	30	0	0	" Sir George Grant Suttie -	1	0	0
Viscount Arbutnott	-	1	0	0	" Sir George Warrender -	1	0	0
Lords, Blantyre	-	33	0	0	Agnew of Sheuchan -	-	2	0
" Douglas	-	33	2	0	Allen of Errrol -	-	1	0
" Duffus	-	1	0	0	Anderson, Dr, Heirs of -	-	1	0
Carry forward,		648	77	1	Carry forward,		748	89

	Sols.	Hals.	Thirds.		Sols.	Hals.	Thirds.
Brought forward,	748	89	1	Brought forward,	825	105	3
Baillie of Jerviswoode	1	0	0	Jobson of Lochore	1	0	0
Baillie of Lamington	0	2	0	Johnstone of Alva	1	0	0
Baillie of Kingusie	1	0	0	Johnstone of Annandale	5	1	0
Balfour of Whittingham	1	0	0	Johnston of Lathriak	1	0	0
Belsches of Invermay	0	1	0	Kerr of Moriston	1	0	0
Blair of Blair	1	0	0	Laird of Strathmartin	0	1	0
Blair of Dunskey	1	0	0	Lamont of Lamont	1	0	0
Booth, John	1	0	0	Leith of Freefield, &c.	1	0	0
Boswell of Bulmuto	1	0	0	Lochart of Castlehill	2	0	0
Bremner, Thomas G.	1	0	0	Low of Fordel	0	1	0
Brodie of Brodie	1	0	0	Lumadene of Cushnie	0	1	0
Brodie of Lethen	2	1	0	M'Intosh of Geddes	1	0	0
Bruce of Falkland	2	0	0	M'Kenzie of Cromarty	11	1	0
Buchan of Auchmacoy	1	0	0	M'Kenzie of Newhall	0	1	0
Callander, William Burn, of	1	0	0	M'Leod of M'Leod	2	0	0
Callander of Ardkinglass	1	1	0	M'Lachlan of M'Lachlan	0	1	0
Campbell of Auchinillan	1	0	0	M'Pherson of Blairgowrie	0	1	0
Campbell of Blythwood	1	0	0	M'Rae of Holmaire	1	0	0
Campbell of Cragie	1	0	0	M'Tier of Duris	1	0	0
Campbell of Lochmell	1	0	0	M'Culloch of Barholm	0	1	0
Campbell of Stonefield	1	0	0	Maxwell of Terregles	1	0	0
Carnegie of Spynie	1	0	0	Moore, James Carrick, &c.	1	0	0
Colebrook, Mr. Heirs of	1	0	0	Monteath of Carsairs	1	0	0
Crichton of Skeoch	1	0	0	Moray of Abercarney	2	0	0
Cromble of Pheado	1	0	0	Morrison of Bognie	1	0	0
Cunning of Altyre	2	1	0	Nicolson of Glenbervie	1	0	0
Cunningham of Auchinharvie	0	1	0	Oliphant of Gask	0	1	0
Cunningham of Caprington	1	0	0	Oswald of Auchincruive	2	0	0
Cunningham of Lainshaw	1	0	0	Pringle of Clifton	1	0	0
Dickson of Kilbucho	0	1	0	Ramsay of Barnton	1	0	0
Dingwall of Balgray	1	0	0	Ramsay, W., Heirs of	1	0	0
Douglas of Cavers	1	0	0	Reid of Adamton	1	0	0
Drysdale, John	1	0	0	Rennie of Daneyale	1	0	0
Duff of Hattan	1	0	0	Renton of Lamberton	1	0	0
Duff of Fetteresso	2	0	0	Richardson of Ballathie	1	0	0
Dundas of Arniston	2	0	0	Robertson of Tulliebelton	1	0	0
Durham of Largo	1	0	0	Rose of Kilarvock	0	1	0
Erkaine of Balhall	1	0	0	Sinclair of Freswick	1	0	0
Erkaine of Cardross	2	0	0	Scott of Gala	1	0	0
Erkaine of Carnock	2	0	0	Scott of Benholme	0	1	0
Erkaine of Pittodrie	1	0	0	Scott of Brotherston	0	1	0
Farquharson of Invercauld	2	0	0	Scott, Hercules	2	2	0
Ferguson of Raith	1	0	0	Sharpe of Hoddam	0	1	0
Fotheringham of Powrie	1	0	0	Skene, Gordon Cumming, of Dyce	1	0	0
Forbes of Callender	1	1	0	Somerville of Sorn	1	0	0
Forbes of Culoden	1	0	0	Smyth of Methven	1	1	0
Fleming, Honourable Admiral	2	0	0	Spiers of Elderslie	1	1	0
Fleming of Barochan	0	1	0	Stirling of Castlemilk	1	0	0
Fletcher of Salton	1	0	0	Stirling of Keir	1	0	0
Fraser of Castle-Fraser	0	0	1	Tait of Harvieston	1	0	0
Gordon of Aikenhead	1	0	0	Trotter of Ballendean	1	0	0
Gordon of Balmagie	1	0	0	Tytler of Woodhouselee	1	0	0
Gordon of Cluny	1	0	0	Udny of that Ilk	1	0	0
Gordon of Butblaw	1	0	0	Urquhart of Meldrum	1	0	0
Gordon of Fyvie	1	0	0	Watson of Saughton	1	0	0
Graham of Airth	1	1	0	Wauchope of Niddry	1	0	0
Graham of Kinross	4	0	0	Wilkie of Foulden	1	0	0
Graham of Mosaknow	0	1	0	Wilson of Tweedhouse	1	0	0
Grant of Congalton	1	0	0	Young of Cleish	1	0	0
Grant of Moy	1	0	0	Mrs Neabet Ferguson	3	0	0
Guthrie of Guthrie	1	0	0	Mrs Gauld	1	0	0
Halket of Lawhill	1	0	0	Mrs Glendonwyn of Parton	1	0	0
Hamilton of Grange	0	1	0	Mrs Captain Wardlaw	0	1	0
Hamilton of Pencaitland	1	0	0	Congregation	0	1	0
Hawthorn of Garthland	0	1	0	Eight Directors	1	0	0
Hay of Leyt	0	1	0	Heads of Families	4	0	0
Hay of Rannes	4	0	0	Heritors and Kirk-Session	4	0	0
Hay of Dunse Castle	1	0	0	Kirk-Session	0	1	0
Horne of Longformacus	1	0	0	Feuars	0	1	0
Hume of Ninewells	1	0	0	Proprietors	0	1	0
Hunter of Thurston	1	0	0	Thirteen Delegates annually chosen	1	0	0
Innes of Sandside	1	0	0	Session, Feuars, and Town-Council	1	0	0
Irvine of Drum	1	0	0		907	128	3
Carry forward,							

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AN

ACCOUNT OF LAY PATRONAGES IN SCOTLAND,

AND OF

THE FATAL DIFFERENCES THEY HAVE
OCCASIONED BETWIXT THE CHURCH
AND LAY PATRONS;

WITH OBSERVATIONS ON THE ARGUMENTS FOR
RESTORING THEM IN 1711.

BY SIR DAVID DALRYMPLE.

LAY Patronages are so far from being the ancient constitution of Scotland, that there is scarce a country in Christendom where ever they had so little footing; so that, if our Scotch patrons were put to justify their title by the old maxim of the canonists,

Patronum faciunt dos, ædificatio, fundus,

they would make but a very indifferent plea of it; for nothing is plainer in our law, than that the tithes were the patrimony of our church, as appears by Act 10, Parl. 1, James VI., held in 1567, and by many other acts. It is likewise known to every one, that tithes were settled by the Legislature; and that such endowments as have at any time been made from the rents of the crown, required the consent of Parliament to make them good, since our princes could alienate nothing belonging to the crown without their consent. And as to the Pope's canon law, from whence patronages proceeded, it never obtained so far in Scotland as to be much regarded. This is evident from many of our laws, which forbid our being governed by any other, and from the pragmatical sanctions betwixt the popes and the kings of Scotland, who were always as inflexible in this matter, if not more, than the kings of France.

No. 3.—Price 2d.]

But be that how it will, when the Pope's authority was abrogated in Scotland, by Act of Parliament, in 1560, all jurisdiction derived from him fell with it, and his canon law among the rest, except what part of it we retained for its own equity, and its agreeableness to our constitution, which was followed in commissioners' courts, &c.

Accordingly, the Church of Scotland, from the beginning of the Reformation, declared against lay patronage and presentations. This appears from the First Book of Discipline, drawn up by order of the Government, and agreed to in the Privy Council, January 17, 1560, where, in the fourth head, *Concerning the lawful election of ministers*, the power of election is lodged in the parishioners; and in case they delayed it forty days, the presentation was to be in the superintendent and his council, *viz.*, the ministers and elders of his province.

In the first General Assembly of the Reformed Church of Scotland, held the 20th of December 1560, about four months after the Pope's authority was abolished, it was enacted, the 27th of the said month, that the election of ministers should be in the public church by the people, and that notice should be given of it the Sunday preceding. It was the same as to the election of superintendents, as may be seen by the form of it prefixed to our old psalm-books, and in the First Book of Discipline, under the head, *Of the election of superintendents*; and the church required, that the ministers, the poor, and the schools, should be provided for out of the tithes, which were the patrimony of the kirk, as appears by the sixth head of the First Book of Discipline, under the title, *Of the rents and patrimony of the church*.

In the third session of the fourth General Assembly held at Edinburgh, it was enacted, December 27, 1562, That the presentation of ministers should be in the people. Thus matters were stated at Queen Mary's arrival from France, August 19, 1561; and the 25th of that month, her Majesty declared, by proclamation, that no body, on pain of death, should attempt privately or publicly to make any *alteration or innovation in the state of religion*, which she found publicly and universally standing at her arrival; and she promised not to attempt any thing against it herself, but to settle all things with the consent of the States. This promise was kept no otherwise than as Popish princes use to do with their Protestant subjects; so that she and her courtiers were unwilling to part with the patronages and patrimony of the church, which they had possessed themselves of on the abrogation of Popery; insomuch, that the poor ministers had little else to maintain them but the benevolence of their hearers; and with much ado, after many petitions, they obtained a third of

the tithes, which was but indifferently paid, so little dependence had they on lay patrons.

The church being under these pressures, she was willing to comply as far as she could in conscience, in order to obtain what farther reformation was wanting, and a redress of her grievances. Therefore she agreed, in the Assembly of 1565, that her Majesty, or any other patron, might present to vacant benefices, but on condition that they presented qualified persons, and subjected them to the examination of the kirk, *who had the right of collation to the cure, if the patron had the presentation to the benefice*; otherwise, say they, the patrons might obtrude such persons as they pleased upon them. And thus, as they complain in the sixth head of the First Book of Discipline, *the Papistical tyranny should be only changed into that of the lord and laird*; therefore they required that the kirk might be restored to her liberty, that she had been cruelly spoiled of by the Papists.

In the Second Book of Discipline agreed on by the General Assembly of 1578, registered by that of 1581, and ordered to be subscribed by all ministers, they declare themselves, Chap. 12, thus:—

“ The liberty of the election of persons called to ecclesiastical functions, and observed without interruption so long as the kirk was not corrupted by antichrist, we desire to be restored and retain within this realm; so that none be intruded upon any congregation, either by the prince, or any inferior person, without lawful election, and the assent of the people over whom the person is placed, as the practice of the apostolical and primitive kirk, and good order craves. And because this order, which God’s Word craves, cannot stand with patronages and presentations to benefices used in the Pope’s kirk; we desire all them that truly fear God, earnestly to consider, that forasmuch as the names of patronages and benefices, together with the effects thereof, have *flowed from the Pope and the corruption of the canon law only*, in so far as thereby any person was intruded or placed over kirks having *curam animarum*; and forasmuch as that manner of proceeding hath no ground in the Word of God, but is contrary to the same, and to the said liberty of election, they ought not now to have place in this light of reformation. But as to those patronages that have not *curam animarum*, as chaplainries, prebendaries, &c., founded upon temporal lands, annuals, and such like, they may be reserved to the ancient patrons to dispose of to scholars and bursars, according to Act of Parliament.”

This was the sense of our church at the Reformation. We come next to show how the matter stood in law. The courtiers, though unwilling to part with the patronages, agreed, however, that the power of patrons should be restrained. Thus, by the 7th Act of the first Parliament of King James VI., held anno 1567, it was enacted, *That the examination and admission of ministers be only in the power of the kirk*, and that the patron present a qualified person within six months (after the decease of the former incumbent comes to his knowledge) to the superintendent or others, having the commission of the kirk; otherwise the kirk to have power to dispose of the same to a qualified person. The qualifications required were, that he should agree with the church in doctrine, and the administration of the sacraments, according to the Confession of Faith, as appears by Act 6, Parl. 1, James VI. The Act 46, Parl. 3, of that same prince, enjoins, that the minister should be under the discipline of the kirk, partake with her in the sacraments, and subscribe the articles of religion, and give his oath for acknowledging the king and his authority. And by Parliament 6, Act 68, James VI., they who refuse to communicate in the sacraments, as administered in the kirk, according to the Confession of Faith, or contradict the said Confession, are declared to be no members of the kirk, so long as they do so. And by the 69th Act of that same Parliament it is declared, *That there be no other jurisdiction ecclesiastic acknowledged within this realm, than that which is and shall be within the same kirk, or that flows therefrom.* It is here likewise proper to observe, that by the above mentioned Act of 1567, in case of a failure, by the superintendent or commissioner of the kirk, to admit a qualified person, presented by the patron, there lay an appeal to the superintendent and ministers of the province; and if they refused to admit the qualified person, an appeal was to be made to the General Assembly, whose determination was to be decisive.

But notwithstanding this restriction on patrons, many abuses resulted from the patronages by contracts betwixt the patrons and some ministers, who were guilty of dilapidating the rents of the benefices (without regard how their successors should live after them) for the sake of present profit. And by the same method, benefices were conferred upon unqualified persons, both by the king and other lay patrons; against which a remedy was provided by the 101st and 102d Acts of King James VI.'s 7th Parliament, which met October 24, 1581.

A farther remedy was provided by the 116th Act of his 12th Parliament, which met June 5, 1592, by which the collation

and deprivation of ministers was lodged in the church, *as a privilege granted by God to her spiritual office-bearers*, wherein her General Assemblies were also ratified and approved, with all her privileges, liberties, immunities, and freedoms, given and granted by his Highness, his regents in his name, or any of his predecessors, to the true and holy kirk, presently established within his realm; and, among other privileges, all presentations to benefices were to be directed to the presbyteries, with a full power of collation. And by the 117th Act, the church had a power of presenting *jure devoluto*, if the patron did not present a qualified person after a vacancy of six months. But a reserve being made in the 116th Act, that they should receive and admit any qualified person presented by his Majesty, or lay patrons, the abuse continued, and ministers were deprived of their benefices by several patrons; to prevent which, the 169th Act of King James VI.'s 13th Parliament was made.

Notwithstanding all these provisions against the abuses of patronages, the General Assembly of 1596, finding that by those presentations many persons were forcibly thrust into the ministry, and upon congregations, whose conduct showed they were never called of God, the Assembly provided, that none should seek presentations to benefices, *without advice to the presbytery in whose bounds they lay*, on pain of being repelled as *rei ambitus*; and they desired, that such as were guilty of dilapidating benefices, or of demitting them for favour or money, so as they become lay-patronages, might be punished as dilapidators.

Thus these lay-patronages continued a subject of controversy betwixt lay patrons and the church, and occasioned many abuses, and much clamour, by the courtiers against her; but they could not fully accomplish their design, till after the union of the crowns, when the court, being at a distance from Scotland, and open to the constant solicitation of men of other principles, the state of bishops was established in Scotland, by the 2d Act of King James VI.'s 18th Parliament, which met July 9, 1606; after which the power of presentation was lodged in the archbishops and bishops; but the patrons, by their interest in Parliament, had the luck to keep their patronages on foot under several restrictions,—which did not remove the evil that from the beginning was complained of; and, as an immediate and obvious consequence of it, simony, which is a direct bargain betwixt the patron and the minister to be presented, for obtaining a spiritual charge in the church, was too plainly tolerated, to the great scandal of religion, and manifest decay of piety and learning; for the patrons, by these simoniacial contracts, inverted the

tithes to their own private use ; and no minister was presented, till he had given a lease to his patron of the tithes of his parish, in consideration of a poor aliment to himself and his family ;—an abuse which ought certainly to affect all those who are truly religious, either in the Church of England or Scotland.

This occasioned so many abuses in presenting of ministers, and filled the church so full of unqualified persons, that it was one of the principal causes of complaint which brought on the civil war, and occasioned the abolition of Prelacy in Scotland ; as may be seen by the acts of Assembly and papers of State, from 1638 to 1641.

Presbytery being restored in a Parliament where the king was present, the affair of patronage was accommodated betwixt the king and the church, thus : Upon a petition from the Assembly, for the better providing of vacant churches in his Majesty's presentation with qualified ministers, his Majesty agreed, that upon the sending him a list of six persons by the presbytery where the vacancy lay, he would present one of them ; as appears by his declaration signed with his own hand at Whitehall, January 3, 1642, and registered in the books of the Assembly, the 3d of August following. And by an act of the Assembly of the same date, it appears, that the patronages formerly belonging to the bishops, were vested in the presbyteries by Act of Parliament ; and that the like method of the presbyteries sending a list of qualified persons to other lay patrons, as to his Majesty, was also agreed upon.

But in the Assembly of 1643, they petitioned his Majesty, that considering the difficulty of obtaining a list of six able and well-qualified persons for every vacant church in his Majesty's presentation, he would accept a list of three, and of any one qualified person, who spoke Irish, for a vacant church in the Highlands.

Matters continued thus till 1649, that, all these restrictions not being found sufficient against the abuses of lay patrons, they were totally abolished by Act of Parliament.

Episcopacy and patronages were restored by Acts of Parliament in King Charles II.'s reign, from 1662, and downwards. But when the meeting of the Estates of Scotland was called expressly in 1689, for securing the Protestant religion, and the ancient laws and liberties of the kingdom, to the legality of which meeting the bishops did also subscribe, as appears by the 2d act of that meeting ; and by the 13th act, the Estates did claim among other things, as appears by their declaration of right, “ That Prelacy, and the superiority of any office in the church above presbyters, is, and has been, a great and insup-

portable grievance and trouble to this nation, and contrary to the inclination of the generality of the people ever since the Reformation (they having reformed from Popery by presbyters), and therefore ought to be abolished."

This meeting of Estates did, by the 20th act, address King William, "That the said meeting should be turned into a Parliament for securing the Protestant religion, the government, laws, and liberties of the kingdom, and redressing the grievances by them represented." To which his Majesty did interpose his royal authority, by agreeing to their address, as appears by their 38th act.

Pursuant to the above mentioned article of the Claim of Right, and the design of turning the meeting of Estates into a Parliament, Prelacy was abolished by the 3d Act, sess. 1, of King William and Queen Mary, July 22, 1689. And, still pursuant to the same article, the Parliament did, by Act 2, sess. 2, April 25, 1690, restore the Presbyterian ministers who were thrust from their churches since January 1, 1661. And in the 5th act of the same session, after reciting the above mentioned article of the Claim of Right as the foundation of their proceedings, and reciting likewise the last mentioned act for abolishing Prelacy, they proceed to settle Presbyterian Church government upon the foot of the Act of 1592, and do ratify and revive the said act *in the whole heads thereof*, except that part of it relating to *patronages*, which, they declare, *is hereafter to be taken into consideration*. And pursuant to this reservation, by the 23d act of that same Parliament, July 19, 1690, they take away *the patron's power of presentation*. All which acts were frequently ratified, not only by King William, but by her present Majesty, since her happy accession to the crown.

The act which most immediately relates to the patronages in debate, is the 6th Act of her Majesty's Parliament for securing the Protestant religion and Presbyterian Church government, passed January 16, 1707, wherein her Majesty, with the advice and consent of the Estates of Parliament, *ratifies, approves, and FOR EVER CONFIRMS* the 5th Act of the 1st Parliament of King William and Queen Mary, entitled, *An Act ratifying the Confession of Faith, and settling the Presbyterian Church government, WITH THE HAILL OTHER ACTS OF PARLIAMENT RELATING THERETO, IN PROSECUTION OF THE DECLARATION OF THE ESTATES OF THIS KINGDOM, CONTAINING THE CLAIM OF RIGHT*. So that this 23d Act of Parliament, *concerning patronages*, now sought to be *RESCINDED*, being made pursuant to the above mentioned article of the Claim of Right, to the very end of turning the said meeting of the Estates into a Parlia-

ment, and for completing the settlement mentioned in the said 5th act for settling Presbyterian Church government in the terms of it, is very plainly confirmed by the said 6th act of her Majesty's Parliament 1707, which is made, and expressly declared to be, a fundamental and essential condition of the Treaty of Union.

Besides, by this act for abolishing *patronages*, now sought to be rescinded, nothing but the right of presentation is taken from the patrons, in order to settle the call of ministers upon the foot of a free apostolical election, which our church has always contended for; and this the patrons have so little cause to complain of, that their civil right is put in a better condition than before; for now they have a right to the tithes, and are in a manner made titulars; whereas, so long as they continued only patrons, they were under a necessity to make contracts with the ministers they presented, about the right of tithes; which now they need not do, since they themselves are the titulars, and the ministers only stipendiaries. This has effectually put a stop to *simoniacial* contracts, which have ever been the abhorrence of all Christian churches, and of none more than the Church of England, from whom in this matter we don't differ in principle; as may be seen in her 40th canon, containing the oath which all entrants are obliged to take at their institution into benefices, viz., "That they have made no simoniacial payment, contract, or promise, directly or indirectly, by themselves, or by any other to their knowledge, or with their consent, to any person or persons whatsoever, for, or concerning the procuring and obtaining of this ecclesiastical dignity, place, preferment, office, or living, nor will at any time hereafter perform or satisfy any such kind of payment, contract, or promise made by any other without their knowledge and consent."

It must be owned that this is a very strict oath; but we are not to wonder that the Church of England took such precautions in a matter of this importance, since, in the preamble to the canon, she justly says, *That simony is a detestable sin, and that the buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings, is EXECRABLE BEFORE GOD.*

'Tis therefore hoped, that since the Church of England complains of lay patronage as a grievance, the Legislature will not again put our necks under that yoke which neither we nor our fathers were able to bear; especially since Providence has delivered us from it, and that we are as much secured against it, as our own particular laws, founded upon the Claim of Right, and the Treaty of Union, can secure us.

It ought also to be considered, that England has always valued herself for being delivered from that vassalage, which her great men had over the commons. Therefore, 'tis believed, that they will not bring us again under a spiritual vassalage, which is the most insupportable of all others, and may in time come to be dangerous to the State; since many of our nobility and gentry did formerly claim a right of patronage over many churches which belonged to their particular families; and, if restored, will give them as great a power over the souls of the people, as civil vassalage gives them over their bodies. And if many of those patronages should fall into the hands of persons disaffected to the Government, it is more easy to foresee than to avoid the consequence.

We know 'tis used as an argument for restoring lay patronages, that the right of presenting ministers is a right of property, to which the patrons have as good a title as to their estates; and also, that there was about £33 sterling, to be paid to the patrons for renouncing their right of presentation, which has never been paid.

Any one may see that these are very slight pretences to weaken or alter the constitution of a church so solemnly established, as a fundamental and unalterable article of the Union. The fair dealing that is essential to the execution of all treaties does not admit, that upon such weak pretence there should be the least straitening of the benefit intended for the quiet and satisfaction, as well as for the security of the Church of Scotland. No man, soberly thinking, can imagine that any one has that same property in presenting ministers to churches, as they have in their lands, houses, goods, and chattels; besides, the patrons of Scotland, as has been observed already, have not the foundation of patronage required by the canon law. The churches of Scotland are not endowed by the patrons, nor out of any private estate; for since the Reformation, the state of the provision of ministers, and consequently of the patron's claims, is very much altered. Ministers have their stipends or allowance for securing the cures out of the tithes, which, as we have heard already, is by law accounted the patrimony of the church, and churches are appointed to be built and repaired by the parishioners. The ground upon which the churches are built, the glebes, and ministers' dwelling-houses, are by law taken out of the property of the parish; so that it is the church and the parish that have the title of the canon law to the patronage, since it is the parish who gave the *dos*, *ædificatio*, and the *fundus*. But supposing it were otherwise, it is very strange to renew those claims now, after things have been established to

the contrary, as an inviolable and fundamental article of the Union.

The other part of the objection, that the patrons have not received the £33 for resigning their right of presentation, can never be allowed as a good reason to restore that right; since the very act did provide for a distress and execution, at the suit of patrons, against the parish, if the said £33 was not paid; but if this execution has not been made use of by the patrons, 'tis their own fault. Therefore they cannot, in justice, pretend to have such a relief as a right to the presentation, for that which has been the consequence of their own neglect. But farther, it is wrong to pretend that there was no other price appointed by the said act for the right of presentation, but the £33 above mentioned; since there is certainly a much more valuable consideration. The patrons, who, before that act, could have no right to the tithes, but by simony, which is execrable, and consequently not to be justified by any colour of law, have, by the very act which deprives them of the right of presentation, a title to the tithes, with the burden only of a fair and honest provision to be settled by the law upon the ministers for serving the cure. This the patrons do enjoy, and have enjoyed for 22 years; and by virtue of that title the tithes have been conveyed from hand to hand.

Will men who pretend to have patronages restored because of a delicacy in point of property, rob the church of her tithes, which is her patrimony, without allowing the calling and ordaining of ministers to remain as it is now established, agreeable to the most ancient practice of the Christian church? Will they pretend to enjoy the purchase and the price too? Can they imagine, though they are blinded with prejudice in their own favour, that ever they can prevail with members of Parliament to agree to such extraordinary demands?

It is likewise industriously given out, that the manner of calling ministers, as established by the laws of Scotland and the Treaty of Union, has been the cause of much dissension and division, and that the votes of farmers, mechanics, and other mean people, have been of equal or greater weight than those of the chief landed men of the parish, &c. But if this objection be good, then the practice of the primitive church was erroneous, and Christianity itself culpable; which, though in its own nature a doctrine of peace, has, through the corruptions of men, occasioned divisions among the nearest and dearest relations. Therefore, it is hoped no man will allow this objection to be of any weight. But, as a more direct answer, where are the numerous instances, or mighty evidences, of these divisions

complained of? Must a few ill-grounded stories be sufficient to overturn a law, that has now been in possession of the church and people for 22 years? And can it not be proved, that the chief divisions which have happened on this account, arose from such as are disaffected to the civil government? Or can it be denied, that several of them have been prosecuted for it? But farther, will the restoring the right of presentation to patrons cure this pretended evil? Will not the body of the parish complain that a pastor is imposed upon them? Has a superior a title to impose, in matters of that kind, upon his vassal; or a landlord on his tenant? Has not the exorbitant usurpation of superiors and landlords over men's bodies and goods been loudly complained of? and will they now pretend to extend their superiority over the people's souls, too, in matters of a spiritual concern?

In short, all these objections are trifling; and those who make them, don't seem to have read the act concerning patronages, which they would have repealed. The words of it are, That the heritors, *i. e.*, landed men of the parish, being Protestants, and the elders (not the mob), are to name the minister to the whole congregation, to be approven or disapproven; and if they disapprove, the disapprovers must give in their reasons to be examined by the Presbytery; and if their reasons be not found good, the nomination of the heritors and elders stands. So that the claim of those who insist on this argument is, to take away the right of presentation from the landed men of the parish, and give it to the patron, who frequently has no residence or interest in the parish, nor is so much as known to them by face; but lives in a remote country, and is often a man of a much less estate than many of the heritors of the parish.

But if the hazard of division be a good argument, 'tis much stronger upon the side of those who have a standing law to support their claim. For it is plain and undeniable, that many of the patrons in Scotland are neither well affected to the establishment of the church nor to the civil government; and no doubt, such patrons will present men to whom the church cannot agree; and then a division must arise betwixt the church and patrons upon every occasion of a vacancy; of which the most obvious consequences are, that the churches will be kept vacant, to the great discouragement of religion and piety, and, in some counties, to the great encouragement of trafficking Popish priests. Quarrels will also arise betwixt the patrons and the parish, about the disposal of the fruits of the benefice during the vacation, which disaffected patrons will think piously applied, when given to such ministers as are of their own stamp,

and enemies both to the church and the civil government. Now, whether these inconveniences do not very much cast the balance upon the side of a standing law, which the people have been possessed of for 22 years, and is ratified by the Treaty of Union, let all impartial men judge.

'Tis really strange that any man should insist upon restoring the right of presentation on the foot of personal property by a general law, when there are so many patrons, and those, too, of the most considerable in Scotland, that will oppose such a restitution as they have a lawful opportunity. There are not a few who, in conscience, think they cannot enjoy the right of tithes, and of the presentation too, and prefer the first as a much more valuable and juster right than the former. There are many who are justly afraid that this restitution of patronages, and annexing those of bishoprics to the crown, may have convulsive effects, and raise disputes betwixt the crown and such as have derived the rights of patronages from it.

Men are not free from apprehensions, that though tithes be not now restored to the church, yet in all probability they must in time, if the presentations be restored to the patrons ; and many whom none of those reasons move, are very tender of any thing that may give occasion to disoblige and vex so considerable a body as the Presbyterians of Scotland, by depriving them of the liberty and privilege they enjoy of calling their own pastors ; and even those that think people are in the wrong to be uneasy on that account, yet would be very loth to fret them, by making a new law, of which there appears to be so little necessity or advantage, except to a few patrons, who have raised and prosecuted this noise for their own private views.

To conclude : what good reason can there be given for breaking in upon the settlement of the Church of Scotland, and alarming its members in so material a point as depriving them of the power to call their own ministers ; and that, too, whilst the most remote apprehensions of danger to the Church of England occasion such extraordinary uneasiness to her members, and give rise to new fences and securities for her, beyond what is provided in the Treaty of Union ? Is it suitable to the fair execution of that Treaty, that whilst the securities of the one are increased, things are interpreted in the strictest manner to the prejudice of the other, her securities endeavoured to be diminished, and even her rights and possessions taken from her ? Are not both churches established upon a foot of equal security by the Union ? and is there any manner of comparison betwixt the hazard of the one and the other ? Certainly some men's proceedings give us reason to suspect, that they will leave no

article of the Union unattempted, when they are for breaking in thus upon the rights and privileges of the Church of Scotland, which are made a fundamental and essential condition of the Union, and are secured by the Treaty from any alteration thereof, or derogation therefrom, in any sort, for ever. How well such projects agree with loyalty to her Majesty, and zeal for the Hanover succession, that has no other establishment in Scotland, but from the Union Treaty, which her Majesty has declared to be one of the transactions of her reign, that she glories most in, let the world judge.

THE END.

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As the Reformation in Scotland was accomplished in times of great civil confusions, it is no wonder that many parts of the ecclesiastic constitution were not well settled by civil laws. The whole temporalities or revenues of the Church were resumed and vested in the crown; not only the abbey lands and bishops' lands, but almost universally the tithes of parishes. And soon after, by innumerable grants and charters, a great part of them were conveyed to lords and gentlemen who then were in favour at court; so that at present, though the clergy scarce in any parishes have any right to the tithes, yet the tithes generally subsist as a separate property from that of the lands. The crown retains some of them, and many great men whose ancestors were favourites in those days, have now the tithes of other gentlemen's estates.

As a new ecclesiastic model was settled at the Reformation, so soon after, viz., in the reign of James VI., a new form of maintenance was settled for the clergy, the same generally which the ministers now enjoy; which in most towns corporate is settled in some fixed annual sum of money; in country parishes, in a certain quantity of grain, or chalders of victual, or a certain number of bolls of corn or meal, payable, according to some old appplotment, out of the lands of the parish; and where a parish includes both a small town corporate, and a district of land adjacent, one part of the stipend is settled in a certain sum of money, and the other in a certain number of bolls of grain or meal.

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There is a court constituted, viz., the lords commissioners for plantation of kirks and valuation of teinds, who, upon application, give augmentations of stipends, where there is any singular reason pleaded for it. Such augmentations in all country parishes are taken not from the proprietors of the lands in the parish, but from the proprietor of the tithes, or titular of the teinds. In this the Scotch law still seems to acknowledge the tithes as the patrimony of the Church.

The whole present revenue of the Church of Scotland (*i. e.*, the stipend or salaries for about 950 ministers) does not exceed £60,000 or £65,000 sterling, at the medium of the value of grain for these ten years past. The real value of the tithes would be double, nay triple this sum. The old value of the stipends was less; and though the livings were made so mean, and so much taken from the clergy by the laity, yet very soon after the Reformation, those who had been patrons of the more splendid popish livings still claimed the patronage of these poor ones; and while the civil law confirmed this claim, the Church patiently submitted to it. Yet the Presbyterians always looked upon this as a very great grievance, and a very unjustifiable claim; as indeed many of the most religious and peaceable men of the Church of England have complained of the same, though in that constitution there are not such strong reasons against it as in the Scotch. When the Presbyterian model was established, such powers were granted to the Church judicatories that they could in a great measure prevent the abuse of patronages. There is no law in Scotland, no practice or precedent for any action before the Lords of the Session, to compel a presbytery to ordain the presentee—no *quare impedit* lies against them. The patron can only have recourse from the presbytery to the provincial synod by appeal, and from the synod to the General Assembly (see Act of Parliament of King James VI., Parliament first, Act seventh in the year 1567), and the decision of the Assembly is made final by this law. When, indeed, Episcopacy was settled in the end of the reign of James VI., there is an Act of Parliament (viz. Parl. 21, Act 1.), by which application is allowed to the privy council, upon a bishop's refusing to admit the presentee without showing cause. If the presbytery should ordain or give induction to another than the presentee, of which there are some instances, the person thus inducted will not have a legal title to the manse, glebe, or stipend. The temporalities are still vacant, and, according to the Scotch law, the patron has the right of disposing of the vacant stipend annually for pious uses within the parish, unless the matter can be made up between the patron and the person inducted. Thus, to the legal settlement of a minister and his legal title to the living, both a presentation and a concurrence

of the presbytery was always necessary. And the presbytery, according to their known principles, ever required, in order to their concurrence in ordination and induction, the consent of the inhabitants of settled fortunes in the parish, sometimes paying much deference to all the heads of families, and sometimes chiefly regarding the consent of heritors or freeholders, and of the elders as the representatives of the populace. During this state of things, though much regard was generally paid to the presentation, if the presentee was tolerably fit, yet there was little room for simoniacal contracts, since the patron alone could not convey the secular right; and, if a person was of imprudent conversation, though he could not be legally prosecuted or convicted of gross immorality or heresy, he had little hope of settlement by virtue of a presentation, since the presbytery could not be compelled by the patron to ordain or induct him contrary to the inclinations of the better sort of people in the parish. In this state, indeed, frequent debates might happen, and long vacancies of parishes, by a patron's insisting for his presentee against the people or heritors of the parish. Thus matters were in the settlement of the Presbyterian model from the Reformation till 1649.

It is well known how little the British princes, after the union of the crowns to the Revolution, favoured the Presbyterian model. It is no wonder that little could be done to prevent controversies between the great laymen of Scotland, and the presbyteries under these princes, since each of them attempted to overturn that model altogether. The Presbyterians, however, took the only opportunity which those times allowed of obtaining redress, by abolishing patronages altogether in the year 1649. Whether it was to the honour of Presbytery, or its dishonour, that it never had the good graces of such four princes, we shall not here determine. In 1649, the right of nominating or calling ministers was lodged in the kirk-sessions, or consistory of the elders in the parish; who, in those days of outward sobriety and regularity at least, were the most considerable laymen in the parish, who communicated with the Church, and were looked upon as the minister's assessors in all parochial business, and the proper representatives of the people in Church judicatories.

With the Restoration returned Episcopacy and patronages, and continued till the Revolution, and then, by Act of Parliament, the Presbyterian model of Church government was restored in King William's first Parliament. Another Act in the year 1690 abolished patronages altogether, and in lieu of them confirmed to patrons a right to certain tithes, entitling them also to the sum of £33 : 6 : 8d. sterling, in compensation for their patronage, and committed the power of nominating or

calling the minister to the heritors or freeholders, and elders. Thus it continued from 1690 to 1711. And by the Articles of Union in 1706–7, all the rights of the Church of Scotland are made inviolable, and all laws in its favour made the unalterable conditions of that grand treaty of coalition of two nations, by which the Parliament of Great Britain is founded, and his Majesty's right to the government of this part of Great Britain.

In the year 1711, when the British court was going into measures eversive of the Protestant religion and the Hanover succession, to which the Church of Scotland was always firmly attached in interest and principles, an act passed in the British Parliament, in open violation of the Union, to restore the patrons to their old right, by which act the crown now holds the patronage of more than the half of the Scotch churches; and some of the Jacobite gentry and nobility, without any bond upon them to regard either Church or State, got the power of settling as they pleased a great number of churches. It is true, the patron is obliged, before his presentation be admitted, to take the state oaths; but there is an open door to evade this. The patron can assign his right, upon each turn, to any friend of a laxer conscience, or one who can take the state oaths, and present the man intended by the patron.

By the late rebellion there were forfeited to the crown a great number of patronages formerly in the forfeited Lords. The present condition of Scotland in this matter is pretty strange. Out of the 950 or 960 churches in Scotland, there are about 600 in the gift of the crown,—by virtue of the old rights of the crown—by virtue of the superiorities of abbeys and convents vested in the crown at the Reformation, some of which have not been granted away—by virtue of the late Rebellion in 1715; and the crown also claims and exercises all the patronage of the 14 bishops in Scotland, by virtue of Act 29th, 2d Session of the 1st Parl. of William and Mary 1690, vesting in the crown the superiorities of the Scotch bishops, although by a prior Act of the same Session, viz., Act 23d, the same Parliament had wholly “discharged, cased, annulled, and made void that power of patronage, and all acts, gifts, infestments, statutes, or customs establishing the same.” Whether after this whole power was annulled and made void, the Act 29th, afterwards investing the crown with the superiorities and rights of bishops, can be understood to vest a power previously annulled altogether—the lawyers must determine. Surely had that Parliament imagined any such thing, they would have excepted the patronages of the bishops out of the Act 29th. And, if they had thought it proper that any such power should subsist at all, they would more naturally have committed it to presbyteries, as successors to all ecclesiastic powers of the

bishops, even as now, upon any omission of the patrons, the right devolves to the presbytery.

Of the remaining churches, the magistrates and town-council of some burghs are patrons of some of their churches (of this there is no complaint). The rest are in a few lords and gentlemen, generally by virtue of some old grants of the superiorities of abbeys, though, in most cases, they have not one foot of land in the parishes, and often not so much as a small chief-rent or feu-duty. One lord shall thus be patron of ten, twenty, or thirty churches. Some few (I question if there are an hundred such in all Scotland) are in the gift of lords or gentlemen of great estates in the parishes. Some very few are in the representatives of some old families, who themselves or their ancestors have squandered away and sold almost every thing else, and are ready to sell this too, and every thing sacred for a trifle. And thus the body of the gentry, and no small number of the nobility of very good fortunes and families, are mere cyphers in the settlement of the ministers they are to hear every Sunday, if patronages once take effect fully. The most silly, the most worthless, or disagreeable creature, could be imposed upon them without asking their concurrence.

The mischiefs are yet only beginning to appear. The old notions of the rights of heritors, elders, and presbytery continue fresh in the minds of all; as they really were confirmed by old ecclesiastic rules confirmed in Parliament, nor yet abolished, though patronages be restored. The presbyteries have seldom, until of very late years, settled any man merely upon a presentation, without the concurrence of the parishioners, at least of those of settled fortunes in the parish; and their having tolerable satisfaction as to the abilities and character of the candidate to be inducted. Within these eight or ten years past, the tumults and contention about the induction of ministers have been very frequent. Riots and violence have sometimes appeared, and the rumours have reached us, even at this distance, that parties of the king's forces have been required for executing some orders of the Church.

To explain the original of all this, and of the present parties in the Church of Scotland, it is necessary to mention some changes which happened a long time ago. At the Reformation, the Scotch clergy seemed possessed with a singular zeal in spiritual matters, but were not very cautious about temporals. The maintenance obtained was very low. However, while a general sobriety of manners prevailed among Protestants of all ranks, the office was much esteemed, and men of good education and some fortune did not think it below them. Gentlemen also of the best fortunes and abilities interested themselves in the Church, and were made elders, that is, assistants to the

ministers in inspecting the morals of the people, and representatives of the people in ecclesiastic judicatories. The clergy had a considerable influence, not founded in wealth or civil offices, but through the regard the nation had for them, and kept this until they lost it by intermeddling too much in civil affairs during the long civil wars under Charles I. At the Restoration, all sort of profanity came in among the lay gentlemen, and Episcopacy was settled or restored with such haste and fury, that most of the old incumbents were turned out, and a raw set of men, of no good characters, settled in the Episcopal Church. The poor zealous Presbyterians under severe persecution, were led by warm and often weak and illiterate men, such as generally every where have the leading of a populace under persecution. And many of the elders then chosen, were of lower condition and abilities than had been formerly in settled times. At the Revolution, when Presbytery was restored, these warm men settled in the best churches, and brought in many such raw, illiterate, or enthusiastic candidates as had got any little education in literature very imperfectly under the former persecution : with these most of the churches were again hastily supplied,—the Episcopal clergy having universally refused the oath of allegiance to King William, who otherwise might have all kept their churches and stipends during their lives, as indeed above a hundred did, notwithstanding their refusal. The old elders continued in office, and brought in others, frequently of their own stamp, generally men of sobriety and regular lives, but of mean abilities ; and fewer men of fortune now courted the office, or were of such characters for piety and virtue as became it. Hence the clergy and kirk judicatories came into contempt among many gentlemen not in principle disaffected to this model. This is the more general state of the Church at this time.

But still some few of the best characters, fortunes, and families, are not ashamed to assist the clergy as elders. The ministers are not all of one stamp ; there are not a few very ingenious, learned, and wise men among the clergy. These, along with some of the more moderate clergy, though not distinguished for literature, really make a majority of the ministers. This makes up what, for distinction sake, we may call the moderate party. There is another pretty large party,—men of small literature, or acquaintance with mankind, exceedingly zealous about some small matters, tenacious of what they count orthodox, and equally tenacious of every little usage which obtained among the Presbyterians during their persecutions, as if it were of most express divine institution ; these, though not the majority of the clergy, yet being backed by a majority of elders, have these two last years carried all matters in the Assembly ; we call these the warm party.

There is a third party alleged to be in the Church, which I am loath to describe—a very small one I hope—of such as are not actuated by any regards to religion or their country, but influenced by little mean hopes of being made king's chaplains,—offices of no more profit than £60 or £70 sterling per annum; or, being in possession of such places, must, in order to maintain them, act whatever part they are commanded by men in power. In the same party are justly ranked some ministers of the other side, who being much in favour with some great men out of court, and expecting like places from them should they come into power, oppose all measures proposed by the court-party, be they good or bad. Some great men who are elders, instigate ministers of this sort on both sides. Both sides I include under the name of the political clergy.

Since the year 1711, the crown has generally used the right of patronage then restored. The presbyteries, and other superior judicatories, showed all along the greatest inclination, and used their utmost endeavours to obtain a concurrence of the heritors, kirk-sessions, and people, that the presentee, if he was tolerably qualified, might be inducted according to the old rules and rights of the heritors and people. But of late years, while the warm party were asleep, and the moderate men not upon their guard, the politic court-party carried many settlements for the presentees, without any tolerable show of a concurrence of heritors, elders, or people; hopes were given by the politicians to the moderate party, that by a little compliance with regal presentations and those of men in power, contrary to the old rules of the Presbyterians, they would get the patronages abolished altogether. But great offence was taken by warm ministers and elders, mobs frequently arose about these inductions, and an universal dissatisfaction among the people. These proceedings roused the warm party, and many of the moderate; they saw that some intended to give up not only the rights of the presbyteries, but those of the heritors and elders, to the patrons: that, in a few years, the candidates for the ministry would have no motive of interest to study any thing but how to obtain the favour of a patron, and to obtain a legal presentation: that a door would be opened to private simoniacal contracts, and that they would frequently become necessary to obtain a settlement: that the meanest wretches, of the lowest education, who could stoop to the meanest way of living, could always afford to bid highest: that one of better station, genius, and education, who must live up to the value of his stipend, or spend perhaps above it out of his patrimony, could afford no such prices as a mean illiterate wretch, who could subsist on half his salary, and let the other half run on to pay his secret debt: that no stop could be put to any licentiate, though he

should afterwards discover the worst dispositions, except by a formal prosecution upon legal proof of gross immorality or heresy, which yet often cannot be obtained against many who are known to all their acquaintance as very unfit for that sacred office. These considerations roused many of the moderate party, and all the warmer brethren : the kirk-sessions were in a flame : the political party-men opposite to the court joined them : warm elders were returned for Synods and Assemblies ; and thus, in the two last Assemblies, every thing has been determined against the presentations which they could venture to determine.

They have not, indeed, annulled any settlement of any of the king's presentees ; but presbyteries refuse to enrol such as members where there has not been a proper concurrence of the parishioners ; and the Assembly, upon appeals, have left such cases undetermined. The ministers settled thus in consequence of any presentation, hold the manse and stipend, but they are deserted often by the people, and the churches are left empty.

In the Assembly 1734, the warm party, along with the politicians against the court, carried a motion for addressing the King and Parliament, and sending up some members to solicit the repeal of the patronage act. The moderate men, taking their conjectures from the political clergy on the court side, concluded that all attempts would be vain, since the ministers of state for Scotland seemed so averse to the repeal. The commissioners were, however, sent ; a bill was brought in, but so late, that last session could not find time for it.

In the last Assembly, a new application to Parliament, and new solicitors were ordered for London ; and it is hoped the Parliament will again consider this matter for the peace of this Church and country. It is true, the weaker and warmer men carried in the Assembly for this address. The solicitors they have sent are of their own stamp. As they had an entire distrust in the political court clergy, they carried it for men in whose zeal in this cause they had confidence. Let not any thence imagine that this motion is agreeably only to the warmer and weaker men in Scotland, these may indeed have some plans or schemes of their own, for which others are not so zealous. But whoever knows any thing of the Scotch clergy, knows that there is not one in forty who is not most heartily solicitous to have patronages removed, and not one in ten who would not rejoice with all his heart, that that bill should pass which was brought into the House. There is not one in ten of the Presbyterian gentry to whom that bill would not be the most acceptable plan of all. The moderate party of the clergy, through despair of success, were not keen for application to Parliament ; they distrusted the prudence of those who should be employed. Gentlemen are discouraged from any steps in this matter the

same way ; and those, many who have places and pensions under the court, are cautious of moving in a cause they fear is disagreeable to the court. But every man must see that the present state of patronages must be offensive to the body of the nation, for very obvious reasons.

A gentleman or nobleman proprietor, perhaps of half a parish or of the whole, yet has no influence in settling his minister whom he is to hear every Sunday, because the patronage is in the crown, or in some great lord who has not a foot of land in the parish, nor any manner of interest in it, nor resides perhaps nearer it than London. Four or five smaller gentlemen have a parish among them, the minister should be their friend, their companion, one with whom they have a great deal of intercourse in many affairs ; if such gentlemen have voted in elections for Parliament contrary to a prime minister, and the patronage be in the crown, or voted with the court, and the patronage be in some lord of the opposite side, a clergyman is presented in either case the most disagreeable that can be found, one designed to raise mischief in the neighbourhood, and to be a spy upon them. This is attempted in some places already, though patronages yet meet with much obstruction ; how much more may it be feared when they shall run smooth, when heritors, elders, and presbyteries are tired out with fruitless opposition ? Above four in five of the parishes of Scotland are in this case, where either the king is patron, or some lord who yet has no estate or valuable interest in the parishes. As for those patrons who have also great estates in the several parishes, they would be very little affected by the repeal of patronages ; their natural interest in the parishes, with their influence with smaller gentlemen, would still carry the election much according to their pleasure.

After this short historical deduction, we next consider the reasons which may be offered against the present right of patrons and for a repeal, and then show that the bill proposed in the main, answers all the purposes which wise men can desire.

Here, first, we take it for granted that, in every Christian country, there is an obligation upon the whole people, or those who have the legislative power, to order a proper maintenance for a clergy. This is a burden which must fall somewhere, and in country parishes it naturally falls upon the lands. If the tenants are subjected to the tenth, the twentieth, or the thirtieth part of produce, they can pay so much less rent. But a landlord should not thence imagine that this stipend is taken from him. Ever since Christianity was settled by law, lands were subjected one way or other to this burden. And before Christianity, they tell us, that in most places, lands were subjected to far greater burdens than they now are in Scotland,

upon a religious account. All men acquired or purchased their lands under some such burden, and got them cheaper on that account. The landlords, therefore, are not the donors or endowers of churches, though they have agreed upon a certain manner of defraying out of their lands a charge they were naturally subject to. They cannot thence claim a patronage to themselves, or to their assigns, as of a living founded by them.

If indeed any generous man of wealth has founded some splendid living for a person in any office, civil or religious, and has contributed more than he was previously obliged to, more than his fortune was subject to, previously to his generous deed, there may be some just reason why he would retain the patronage of such a living. But where the maintenance is no more than is barely necessary for the support of men in a necessary office, no more than his share of lands were understood previously subject to, there is no reason why the proprietors of land should, on this account, have the presentation, or the right of alienating or transferring it to others, without the lands. While, indeed, they are members of a parish, or have such fortunes in it as that they may probably be members, or have such interest in it as engages them to study a wise settlement, they are then to be considered as persons of distinction for whose sake a minister is partly settled, and who should be satisfied in this matter ; but not as voluntary donors or founders of livings.

The gentlemen out of their estates really pay most of the taxes for the expense of the civil or military lists, not only as they pay the land tax, but as they consume a great part of the goods paying customs. Does any one hence infer that they have a natural right, on this account, of electing all officers, civil and military ; and that they can transfer this right too, separately from the estate, or retain this right of election of officers, when they have sold the estate ? When an office is naturally requisite in society, it must be some way maintained, and let the maintenance fall where it will, the Legislature have a right, where no divine law has expressly limited them, to order such method of election to that office as is most convenient for society. Now, the office of the clergy is necessary, and in Scotland the salary is no more than barely necessary. No splendid livings, settled by the voluntary generosity of any nobleman or gentleman, who might claim a power of presenting to them. None pays more than what is previously requisite in any Christian country.

There once were, in times of Popery, splendid livings in the Scotch Church. These were at the Reformation resumed by the laity, or such as the laity empowered as their governors : they were distributed among the laity. A new clergy were settled, not a third of that number which were before ; new livings or stipends appointed, no greater than what is barely necessary for

maintenance of men in that office. The laity, in this resumption, have had a sufficient equivalent for any patronage they could have claimed. It is ridiculous to talk of any sacred rights of the patrons in the poor livings now settled. Had a man from generosity, by a voluntary deed of his, subjected his estate more than it was naturally subject to in a Christian country, for founding a splendid living; all reason that he should retain to himself, his heirs, or assigns, the patronage of that living if he pleased. The legislator should no more deprive him of it, without compensation, or some crime forfeiting it, than of his estate. But when there is no such case, it is plain, if the Legislature thinks it prudent, there is no wrong in abolishing all claims to patronage of the Scotch livings as they are now endowed.

2. Upon the resumption and new settlement at the Reformation, though the patronages were not abolished, yet they were subjected to a great control by the Church judicatories, which, according to Presbyterian principles, ever required, in order to induction of the candidate, a concurrence of the parish, and principally of the heritors and elders; and by Acts of Parliament these powers of the Church were confirmed.* Particularly, that the final determination of all debated settlements should be by the General Assembly. The right of presentation under such control, was no such important advantage to an honest patron. It has, however, always proved a vexatious matter in bad or incautious hands. The patron can harass a congregation by presenting a very disagreeable man to the gentlemen and people, and keep them still vacant unless they concur. All the civil benefit of it to an honest patron is this, that he can sometimes provide a friend in a poor living, in a very burdensome office, such as the ministry is according to the institutions of the Church of Scotland. The taking away this inconvenient power, so ill founded, and so very liable to abuse, can be no great wrong to any one.

3. If we consider how all patronages are founded in Scotland, those in the crown by acts of Parliament, particularly those at the Reformation vesting in the crown rights of abbeys and convents, that at the Revolution vesting the rights of the bishops in the crown,—the patronages of the Scotch lords, by grants from the crown of the superiorities of abbeys, upon trifling enough considerations; one may easily see, that there is no such sacredness in these rights, but that the Legislature may take them away. According to the laws establishing Presbyterianity, it is but a small power, or share of power, in conferring small benefices, which really do not deserve the name, being only absolutely necessary salaries for toilsome service, salaries which can be forfeited by many such immoralities as will for-

* See Act 7, Parl. i., James VI., An. 1567; and Act i., Parl. 12, 1692.

feit no other civil right. This power of patronage, as it was lightly got, so it may be lightly taken away again.

Those who hold patronages along with great estates in any parishes, would suffer little or nothing of any kind by the present bill. The nomination would still be much in their power, though other smaller freeholders would have votes; but it is well known, that noblemen or gentlemen of great fortunes have such influence with their smaller neighbours, and the feuars or fee-farmers under them, that no settlement could be attempted contrary to their inclinations, and no opposition would be made, unless they attempted to settle some person of a very bad character,—and then they should be opposed.

4. But what is the strongest reason of all against patronages, and for the repeal of that law, is this, That patronages being entirely abolished at the Revolution, and another method settled by law, pretty much the same with that in the bill brought in; that law, as one of those securing the Church of Scotland its rights and privileges, was made the unalterable condition of that great treaty of Union; upon which are founded the very powers of the Parliament of Great Britain, and his Majesty's right of succession to Scotland. That Act, then, in 1711, restoring patronages, was a manifest violation of the most solemn public faith.

Patrons should remember the original of their rights,—nothing but civil laws, or whimsical grants by the crown, without any valuable considerations. If any can show the valuable consideration given, beyond what Christians are previously obliged for support of religious services, let them have proper compensations. But the compensation must be according to the value of that right to an honest man, who uses it according to law. In Scotland, this must be very small, not only as the laws prohibit all simony, though they cannot prevent clandestine contracts, but as they allow a great control over the patronage to the heritors, elders, and Church judicatories.

If the Legislature finds it proper to abolish this right, and find any cases where any compensation is reasonable, it should certainly be made out of the old patrimony of the Church, the tithes, or free teinds as they are called; which are the fund out of which all deficiencies are to be supplied for the uses of the Church. Let the patron have in lieu of his right half a year's stipend, or a whole year's, if it appears he gave any valuable consideration for the patronage, or more, if the Parliament thinks it worth more. Let this be paid out of the free teinds, that is, such tithes as remain above the annual stipend, and are not appropriated to hospitals or colleges. Or if there are no free teinds in any parish, which is not the case with one parish of twenty in Scotland, let the annual stipend pay the appointed sum to the patron upon the first vacancy.

When the patron is proprietor of the teinds, he has already full compensation, or the fund for it, in his own hands, by holding so much of the patrimony of the Church still subject to any necessary ecclesiastic burdens. If one has purchased the tithes, he purchased them under the burden of answering all extraordinary contingencies for augmenting stipends or other ecclesiastic uses ; and for this very reason, by Act of Parliament in King Charles the First's reign, the purchase of tithes is not to exceed nine years of the annual value ; whereas all other land rents then sold at sixteen or seventeen years' purchase, and now sell from twenty-three to twenty-eight years' purchase. Any freeholder, in virtue of this law, can compel the proprietor of his tithes, at this day, to sell them to him at nine years' purchase ; and the Lords of Session, as Commissioners for valuing tithes, are ordering sales of tithes every term at this very rate.

Gentlemen in England must see at once the great difference between the right of patronage with us from that which obtains in Scotland. In Scotland, at the Reformation, the view was, that the clergy should be wholly employed in religious matters, not blended with the State, holding no civil rights or powers competent to the order, save merely that to a small annual stipend for life, subject to forfeiture upon any considerable immorality. They are not in Scotland made freeholders by their livings, have no votes in any civil courts or meetings of shires, no votes in elections for Parliament, excluded by ecclesiastic laws from all civil offices. In England, our ancestors had different views, which may have their own advantages too. The clergy are more blended with the State, they vote as freeholders in shires by virtue of their livings, are represented in Parliament by their bishops ; there are many splendid livings beyond what is barely a necessary maintenance, some founded by the extraordinary liberality of donors. The clergy are men of power and importance in the State. Patronage in England is a right of great importance ; whether it be desirable or not in any Christian Church, I shall not now inquire. But were it to be taken away in England, some great compensation would be justly due to the patrons. But in Scotland, from what is already said, it appears that scarce any compensation is due in any case ; where it is, the right is so inconsiderable, that a small compensation is sufficient, especially when the change proposed leaves so much real power to gentlemen who have purchased the patronages along with the estates in the parishes. As for others, what claim they can have for compensation, it is not easy to tell. Instances could be given of some who have got patronages transferred to them and their heirs from some right honourable patrons, for no greater consideration than keeping them drunk a whole day for each patronage ; at least such stories are commonly told.

II. After these reasons offered for abolishing patronages, it is an easier task to defend the wisdom of the bill proposed. It seems, in the main, to restore matters pretty much upon the same footing they were before the year 1711; in which state they certainly should remain if regard is had to the faith of treaties. But as King William's law about elections of ministers needed some explication, and had left a door open to some artifices, by which the real intention of it might be eluded, this bill makes some restriction and limitation of that law. The Act in 1690 plainly intended that a great share of power in this matter should be in the freeholders, or men of estates call heritors. A man who has a feu or fee-farm of an house and garden in any village may be called an heritor; but there is no reason why such a small incosiderable property should give him a privilege more than any farmer who has a lease for nineteen years. Men of such condition are sufficiently represented otherways by the elders. This present bill, they say, was intended to restrict the votes in elections to those who had a freehold worth £10 sterling per annum. A lower fortune than this really should not raise one above the condition of a common farmer.

The clergy in some places having the guiding of the elders and populace, fell upon a contrivance to overpower the votes of the gentlemen of estates, and make their right of no effect by creating great numbers of elders. To prevent this artifice, it is just to make some restriction upon the numbers of elders who should be admitted to vote. These are the only restrictions of the Act of Parliament after the Revolution, which were designed by the bill now depending.

No human regulation can be perfect in every respect, and prevent all abuses. This bill, when it abolishes an old right of men of distinction, puts some considerable power still into their hands, and no other plan is reasonable or practicable. Men of fortune and real interest in the parish will still have much power, as indeed they should. Men of small freeholds are not disregarded; £10 per annum entitles to a vote. The people have their share, too, by their representatives, the elders; their religious rights are maintained and exercised as their civil rights are. This bill excludes the evils so loudly complained of while the political clergy guided the Assemblies. "No ministers would be obtruded by presentations against the majority of heritors, and without any concurrence of elders. The residing noblemen and gentlemen of fortune would no longer be cyphers in the settlements of the ministers who officiate to them. There would be no room for simoniacal contracts. The deed of one could never be effectual, and such contracts cannot be entered into with many." These grand evils are pretty effectually prevented. If men think that some better scheme could be

contrived, let them consider whether it be practicable too? whether there be any rational prospect of the Legislators agreeing to it? Starting new schemes without such prospects, really tends to defeat the design altogether. If some warm men are fond of allowing votes to all heads of families in communion with the Church, let them remember that gentlemen of estates will never bear that scheme; let them remember how much the bill proposed is better than the present patronages. The minister, by that bill, is always to be settled by the votes of men of real interest in the parish, either civil or religious, or by the votes of both, and not by a distant lord, who has no concern whether the minister be good or bad. I need not dwell on this side of the matter. All the moderate clergy in Scotland, and three-fourths of the warm brethren, earnestly desired the passing of the bill, and would have embraced it with all joy and thankfulness to God, the king, and his ministers of state. The body of the gentry were of the same dispositions. The political members of the Assembly were the only men who desired that it might be defeated. They were angry that they were not employed, and had not the sway they wanted. Those on the court side thought they would lose their power of obtaining regal presentations to their friends and creatures: those on the opposite side feared that such a bill passing would endear some great men in the administration too much to the gentry, and clergy, and populace of Scotland. On both sides the politicians hid their heads, and professed to groan as heavily under patronages as any. But one side insisted on the unseasonable time, according to the phrase of their masters.

The political clergy, and some members of Parliament, too, argued much that it was an unseasonable time. That cant word is so stale, that it is become nauseous; the phrase should be changed and some new one invented, when men in power are not willing to grant a reasonable favour asked, and yet would shun the odium of refusing it. It is true we are threatened with a war. What then? will granting this bill hinder the nation to concur in it, or diminish the revenue necessary for maintaining it? How much do all Scotch patrons contribute toward it? how much above the annual value of the places and pensions they hold? Will any one of them throw up his place upon passing the bill? will this raise any seditions at home? One might engage, that a few ruling elders who would be obliged by it, not to talk of the body of the gentry or populace, would soon quell all the seditions of the patrons disengaged. The court can easily carry the bill if they please; all the world knows this, now that so many in the opposition concur in it. The interest and popularity of those in power would be exceedingly increased among the gentry and people of Scot-

and as well as the clergy, by thus freeing them from a burden which they have so long groaned under, in vain seeking for relief in other administrations. It may deserve the consideration of those in power for Scotland, that their old friends, the Presbyterians in principle, think it the most seasonable time for the Church to hope for relief, when the family of Argyle are in power, which furnished so many heroes and martyrs in their cause. They should consider how far the hearts of those who are attached to the Presbyterian model may be alienated, if by their means this reasonable favour is denied. The glory of granting it will be theirs, and theirs, too, the odium of the refusal, let them use what artifices they please to turn it upon others.

Although the moderate ministers and gentry, and not a few of the nobility, were dissatisfied with some steps taken in this affair by the warm party in the late Assemblies, and were diffident of their prudence in the manner of application, yet they earnestly desire the success of the bill. The warm men having the leading in all Church Assemblies, the wiser men know not how, in a body, to apply for it without appearance of tumult, clamour, or counteracting the National Assembly. Some are afraid that any motion in this matter would be interpreted as disaffection to the administration ; others are not willing to disoblige some neighbour lords who are patrons. But whatever ministry of state will bring about this reformation in the laws, will be sure of gaining the hearts of multitudes of the gentry as well as the clergy. And men in power should remember the time when they much valued their interest with the Church of Scotland and its friends, and the popularity they obtained, partly by this means, when their power at court was not so great.

THE END.

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JUS POPULI DIVINUM:

OR,

THE PEOPLE'S RIGHT TO ELECT THEIR
PASTORS;

MADE EVIDENT BY SCRIPTURE,

CONFIRMED FROM ANTIQUITY, AND JUDGMENT OF FOREIGN
PROTESTANT CHURCHES AND DIVINES SINCE
THE REFORMATION,

AS ALSO

FROM BOOKS OF DISCIPLINE, ACTS OF GENERAL ASSEMBLIES,
AND SENTIMENTS OF OUR BEST WRITERS IN
THE CHURCH OF SCOTLAND, ETC.

BY THE REV. JOHN CURRIE,
OF KINGLASSIE.

EDINBURGH:
JOHN JOHNSTONE, HUNTER SQUARE.

MDCCCXLI.

No. 4.—Price 9d.]

"It appertaineth to the people, and to every several congregation, to elect their minister * * * this liberty must, with all care, be reserved to every several church, to have their votes and suffrages in election of their ministers."—*First Book of Discipline, fourth head.*

"This right of election pertaineth to the whole church, and this is commended to us by the example of the apostles, and of the churches planted by them."—*GILLESPIE's Popish English Cerem.*, p. 280.

"The people have God's right to choose, for so the Word prescribeth."—*RUTHERFORD's Due Right of Presb.*, p. 201.

"I affirm this is the institution of Christ, that it is the order he hath appointed in the Gospel, that people should have liberty to choose their own pastors and other church-officers."—*RULE's Rat. Def.*, p. 199.

"The right of the people to call their pastors, Presbyterians have made good from several clear Scripture grounds."—*FORREST. Append.*, p. 262.

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JUS POPULI DIVINUM, &c.

BEING desired farther to consider the right of Christian congregations to choose their own pastors, I have complied more readily, that their right in the affair is thought by many to be in greater danger at this day, than in 1719, when overtures were transmitted, encroaching upon their right in a remarkable manner. It is threatening, that, within these few years, settlements have been made in sundry places of Scotland, not only without the call or consent of the people, but *renitente et contradicente Ecclesia*, the body of the people opposing, ready to give, and sometimes actually giving, their voices for others, than those ordained to labour among them in the work of the Lord; and the speeches of sundry, at the last Assembly, give ground of fear, where they argued, not only against the voice of the people, but also against their consent as necessary to a minister's call; yea, there it was confidently asserted, in face of the whole General Assembly, that though there was meikle talk of the right of the Christian people to choose their own pastors, yet there is nothing in Scripture to countenance their right; and any Scripture seeming to look that way, was otherwise to be understood. And, since the last Assembly, I have heard of some, that, instead of condemning, have approved the foresaid assertion, and applauded the person asserting so boldly, boasting, that a public challenge was given to all that stood up for the people's right to choose their own pastors. Now, if it be a received maxim, that in time of common danger, *omnis homo miles*, or, every man is a soldier, then, my minting, at this time, to defend the right of the Lord's people, is the more excusable, though very unmeet for any such work. And whatever slight thoughts some may have of the affair, I look on the calling of gospel ministers to be, not a question

de lana caprina, not a trivial, indifferent business, but a matter of vast moment, as Mr Calderwood avers; a point on which the success of the gospel doth not a little depend, as Mr Gillespie hints; a capital point, as Mr Lawder affirms; a thing of the greatest importance, as Dr Owen says; a matter of great weight—a concern of the last consequence to the Churches of Christ—the very basis and foundation of the ministry, as others assert, and therefore deserving our serious inquiry. Now, being to treat, not of an immediate, but of a mediate call to the ministry—not of an extraordinary, but of an ordinary call—not of the internal, but of the external call—not of ordination, which is a part of the ministerial call, but of the election of ministers, the other part thereof—not of the *jus sumum et αυτοκρατοριον*, which is the prerogative of the King of Zion, only from whom all the authority of his ambassadors is derived, but of the *jus delegatum*, or of that delegate right which Christ hath given unto constitute churches, to choose the overseers of their precious souls: here,

First, I will lay down some propositions anent the subject. *Secondly*, Adduce some Scriptures, or Scripture arguments for proving the people's right to elect and choose their own pastors. *Thirdly*, Show what was the sentiment and practice of the ancients as to this point. *Fourthly*, Show the judgment of foreign Churches and Protestant divines, since the Reformation, ament it. *Fifthly*, Show what hath been the judgment of the Church of Scotland, and of her best writers in former times, upon the head. *Sixthly*, Endeavour to answer the objections of opposites. *Seventhly*, Show how little ground others, pretending right in the affair, have to plead for this privilege. And, *Eighthly*, Conclude with some corollaries.

CHAPTER I.

Now for the propositions anent the subject. The *first* proposition I mention is this, That the calling of gospel ministers being a matter of great moment to the churches of Christ,* “ He who was faithful in all his house,” hath undoubtedly appointed who shall be the callers, 2 Tim. iii. 16, 17 : “ All Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness; that the man of God may be made perfect, thoroughly furnished unto all good works.” If Christ hath not determined this in his Word, let us never talk more of the perfection of the Scriptures; let us never assert more that they contain exact rules for the churches of God in all ages; let us never argue more against the necessity of human traditions. The Rev. Mr Park, whom Mr Wodrow characteriseth for a person of great solidity, and very sufficient learning, says, “ The arrogating such a privilege,” to wit, as this of calling gospel ministers, “ without warrant from the Word of God, is most derogatory unto, an high and injurious reflection upon the infinite love, wisdom, and faithfulness of our blessed Lord, and directly implies, that he hath not sufficiently provided his Church with a complete method for furnishing and election of her own office-bearers, without calling in the weak and superstitious devices of men’s invention to her assistance.”† And, adds he, “ such as dare to rectify his institutions as defective, or to call in question our Lord’s wisdom and faithfulness in this, may go a great length to question his ability to save to the uttermost.” And, says he, “ there is a nearer and firmer connection between these than every one thinks.” “ If our blessed Lord and Saviour,” as that worthy gentleman, the laird of Bennochie, said in his Funeral of Prelacy, “ was so careful of his Church as to give express rules and directions concerning the admission and trial of the meanest church-officers, is it possible that he would have left the Church

* Cald. alt. Dam., 1 edit., p. 322. “ Electio pastorum,” &c.—“ the election of pastors, as it is not the least of the Church’s privileges, so it is a thing on which the safety of the Church dependeth.” And again, p. 391, he says, “ Electio ministrorum,” &c.—“ the election of ministers is not a matter of sport or jest, but an affair of great moment, on which the peril of souls turneth.” Park, on Patronages, says, “ The people are indeed very nearly concerned in the right choice of their own pastors, as being the most special ordinary means appointed of God for their spiritual and eternal welfare,” p. 105.

† Treatise against Patronages, p. 83.

in the dark, and without direction, in the weightiest matter—concerning the ordination and trial of church-officers of the highest rank? No wise man will take care of the meanest things, and slight those of the highest and greatest importance; how, then, shall any think so of the only wise God?”‡ And what he says of the ordination and trial of office-bearers in Christ’s house, the argument is the same as to their election. Now, Acts vi., at the beginning, there we have the clearest direction as to the election and electors of deacons, the lowest church-officer, and therefore surely the Scripture directs as to the election of presbyters, the highest officers in the house of God since the apostles’ days. The London ministers assert, “ that the Lord Jesus Christ is most faithful in all his house—the Church, fully to discharge all the trust committed to him, and completely to supply his Church with all necessaries, both to her being, and wellbeing ecclesiastical.”† And surely, who shall be the callers here, is necessary, beyond peradventure, if not to the being, yet to the wellbeing and comfortable being of the Church of Christ. And again, the same London ministers assert, “ that as the Word of God declares unto us who are church officers, viz., pastors and teachers, ruling elders and deacons,” so they assert, “ the Word of God declares how these office-bearers are to be qualified for, and externally called unto, their respective offices.”‡ Is it not the doctrine of the Church of Scotland, to which all her officers are engaged, “ That the whole council of God concerning all things necessary for his own glory, man’s salvation, faith and life, is either expressly set down in Scripture, or, by good and necessary consequences, may be deduced from Scripture?”§ Now, the glory of God, the salvation of souls, the faith and life of the Lord’s people, I humbly think, are all concerned, and nearly concerned in the calling of gospel ministers, and therefore the Scripture is to be our rule in this; for who shall be the callers, is not a bare circumstance of time or place, it is none of those natural and civil circumstances, without which actions are not performable, and must be ordered by the light of nature and human prudence, according to the general

* P. 20.

† Jus Divin. Reg., p. 48.

‡ Vindication of the Presb. Govern., p. 5.

§ Conf., chap. i., par. 6.

rules of the Word, admitting of variation. The full Vindication of the Commission's Overtures says, "I know no settlement of the Church that we are to pay any regard unto, but that which was made in the apostles' times, and is to be found in the New Testament."* And though in many things I differ from that Vindication, yet to this I heartily agree. Many others might be cited to this purpose, as English Presbytery, p. 1; Presbyterial Government described by Britannus Philo-presbyter, p. 4; so the Pastor and Prelate, p. 1; and Presbyterian Government as now established in the Church of Scotland, p. 3. Are not the Scriptures written to "make the man of God perfect, thoroughly furnished to every good work?" Are they not sufficient to teach him "how to behave himself in the house of God, which is the pillar and ground of truth?" If he know not where the power of calling gospel ministers is lodged by the Head of the Church, the King of Zion, then he knows not, in all the world, how to carry in the house of God, in ordaining or admitting such as are to be office-bearers in Christ's house. Will not his conscience be on the rack, when he knows not whether it be duty to concur with the people's call, the elders' call, the beritors' call, the patron's call, the magistrates' call, the town-council's call, the presbytery's call? If the Scriptures give no direction in this affair, let us never more complain of patronages as unscriptural or antscriptural; and let our noble reformers, and other worthies, that have pleaded strenuously from Scripture for the people's right, and against patronages, pass for a company of weak, though well-meaning men, that did not understand the Scriptures. To say the Scriptures give no direction in the affair, is to make them a rule defective, and ineffectual to the end for which they were written by the Holy Ghost. If a system of laws were drawn up for the government of a kingdom, a commonwealth, or royal burgh, in which it was declared, such and such office-bearers were useful, and to be chosen from time to time, and yet contain nothing as to the electors, whether the people themselves, or foreigners, whether their friends or foes, whether by many or only a few, whether by all or only some selected persons,—surely that system could not be reckoned perfect or complete?—and so it is in this case. Is it not to the law and testimony that we are to have our recourse for direction, how to behave in the

* P. 28.

house of God? and, as *pudet legisperito absque lege*, so here, *pudet theologo absque scriptura loqui*. Is it not the Protestant doctrine, that the Scriptures are the supreme judge of controversy? And hath it not been a controversy between Papists and Protestants for a long time, whether the people have right to choose their own pastors or not? Well, how shall it be decided, but by opening the book of God, and submitting to its determination? Such as think the people have no right to choose their own pastors, will do well to inform those that are otherwise persuaded, showing, from Scripture, where the King of Zion hath lodged this right; for, as Mr Park says, "the clearest and safest methods, in debates of this nature, which concerns the interest of Christ and his Church, is, to decide them by the sentence of the Scriptures."* Either it is a matter of moonshine who be the callers—and so there was never ground to complain of, declare, address, or write and print against patronages, as the Church of Scotland hath done; or the Scriptures are imperfect, if they determine not who are the callers. Or will it be said, they are perfect, but so obscure, that neither Presbytery, Synod, Commission, nor Assembly, can tell what to make of them in the affair?

Second Proposition.—As it hath been the doctrine of Protestants, that the right of calling gospel ministers is lodged, by Christ, in the people, so the contrary doctrine hath always been esteemed a Popish principle. The Rev. Mr Gillespie says, "The tenet of Protestants, which Bellarmine undertakes to confute, is this, 'Ut sine populi consensu et suffragio, nemo legitime electus aut vocatus ad episcopatum habeatur'—that without the consent and suffrage of the people, no man is to be esteemed lawfully chosen and called to the office of a bishop;" and though our writers disclaim many things which he imputeth unto them, yet I find not this," says he, "disclaimed by any of them;"† and then he cites a great many eminent Protestant divines, who plainly maintained this, as Luther, Calvin, Beza, &c. Mr Sage having asserted the election of pastors belongeth not to the people of divine right, the Rev. Mr Jamison, that valiant and successful champion for Presbytery,‡ blames his doctrine as palpably Popish, and doctrine, against which our first reformers earnestly strove, as soon as they were sent forth to fight the battles of the Lamb against the

* On Patronages, p. 201.

† Elect. of Pastors, p. 18.

‡ Cyp. Isoc. p. 538.

dragon. Mr J. O., in his Plea for Scripture Ordination, or Ordination by Presbyters only as valid, emitted with a preface by the Rev. Mr Daniel Williams, when showing that such ordinations are better than those of Rome, which yet are owned as valid by Prelatists, he says, " Their priests are made without the election of the people."* And Bellarmine says, " That neither their suffragium, consilium, or consensus is required, which," says he, " is contrary to Scripture and antiquity, as our Protestant writers have proved against the Papists; whereas," adds he, " our candidates are not obtruded upon the people, without their choice and consent." And this hath been the sentiment of the Church of Scotland also. In the First Book of Discipline it is said, " The election of ministers was abused in the cursed Papistry;" and then it is added, " it appertaineth to the people, and to every several congregation, to elect their minister." Now this assertion is in opposition to Papists. And in the Second Book of Discipline it is asserted, " The liberty of persons called to ecclesiastical functions was observed without interruption, as long as the Kirk was not corrupted with Antichrist, so that none was obtruded upon any congregation, without lawful election, and assent of the people over whom the person was placed." And there it is affirmed, " that patronages, and the intruding of ministers upon congregations, hath flowed from the Pope, and is a manner of proceeding which is contrary to the Word of God."† So the learned Turretine, having put the question, " An jus eligendi et vocandi," &c., " whether the right of electing and calling pastors belongs to the bishops only, or to the whole Church?" In answer he says, " We deny the first, and affirm the last against the Papists." And such as say there is nothing in Scripture to countenance the people's right in this, they take part with Rome, and condemn such Protestants as have written for the validity of the call of our first reformers, who generally argue from the topic of their having the people's call. The learned Professor Maresius, when speaking of Romanists denying the people's right to choose their pastors, says, " Et hanc item isti homines ideo potissimum nobis movent,—therefore it is chiefly that those men move that debate with us, that quarrelling the call of our pastors, we use to answer, They are called after the ancient and apostolical manner, to wit, by the call of the Church."‡

* Pp. 80, 81.

‡ In Confess. Belg., p. 450.

† Fourth head.

Indeed, some few professed Protestants have formerly denied the people's right; and, particularly, I remember some time ago to have seen a piece of the learned Hugo Grotius, wherein he denies the people's right to elect their pastors, and gives the power and privilege thereof to the magistrate; but, as in other things, so in this of denying the people's right, he went over to the Popish camp. Some where Flavel calls him Socinian, Arminian, Papist; and he was a barefaced Erastian,—a man indeed of choice natural and acquired parts, but it is questioned, if of equal piety; and when he came to die, they write of him, he wished that he had been poor John Uriek. This was a mean person that lived by him, a simple poor tradesman, but really religious.

Third Proposition.—Such only as are of our communion have right to choose the overseers of our congregations; such only as have freedom to join in communion with the pastors chosen, and people for whom they are elected, can have right to choose. The electors of Matthias, Acts i., were not the Jewish lawyers, the Scribes, the Pharisees, Herodians, Sadducees, Essenes, or rulers of the Jews, but such as had full freedom to join in communion with Matthias, as being of the same principles with him. The electors of the deacons, Acts vi., were fully of the communion of that church to which they were chosen: " Look ye out from among you." The expression implies, that choosers and chosen were of one communion. The electors of overseers, as says the Rev. Mr Hog, " ought to be persons who own and profess the stated principles of the churches whose respective pastors they pretend to elect."* The Church of Scotland hath declared so much, Assembly 1649. In the Directory for Election of Ministers, it is enacted, " That the disaffected and malignant be excluded from the choice of their own pastors," and surely much more from the election of pastors to other congregations. And it is known, heritors of the Episcopal persuasion are malignant with respect to our constitution, as well as Romanists. The present practice in the Church of Scotland, of allowing heritors, not of her communion, to vote, is what can never be accounted for: to me it is as unreasonable, as if the Parliament should make an act, allowing the stated enemies of the Government a voice in the election of ministers of State, or in the choice of such as command in our armies or navies;

* Right of Church Mem., p. 7.

for such is the disaffection, hatred, and prejudice of those gentlemen, that sundry of them own, and openly profess, they will join the apostate Church of Rome, rather than Presbyterians. Ministers of the gospel are called builders in Scripture, but what builders will such choose as long to see the building laid in heaps, razed to the foundation, and quite demolished? The conduct of Zerubbabel, Jeshua, and the rest of the chief of the fathers in Israel, is worthy our imitation—who would not allow the adversaries of Judah and Benjamin to build with them, because they were not of their communion, though they said they sought their God.* To grant them such a privilege, is it not something like *oves lupo committere?* or a giving the voracious wolf the wedder to keep, being declared enemies to our constitution. And what can be more unreasonable, than to empower them to vote and sign calls to gospel ministers, who evidence such unaccountable disingenuity, as some of those gentlemen do, when they profess, and sign it with their hand, that they heartily invite, call and entreat ministers to undertake the office of pastors among them, and charge of their souls, promising all dutiful respect, encouragement, and subjection to their ministry in the Lord; while, in the meantime, it is well known, they never intend to hear them so much as once in their whole lifetime; yea, may be are so bewitched with Dodwelian principles, that they look upon them as men having no more authority to preach the gospel of Christ, than any herd lad or unbaptized pagan, looking on them as men destitute of immortal souls, for want of Episcopal baptism? And truly, abstracting from conscience, it is strange those gentlemen have not more regard to their own reputation, than to act thus contrary to all honour, candour, and ingenuity. Shall such be believed after this, when they promise upon their honour, or the word of gentlemen, such or such a thing shall be done, or not done? I dare say there is not a Prelatist in Scotland but would look upon it as most unreasonable, for heritors, or others of our communion, that could not, in conscience, join in word or sacrament with them, to have a voice in election of pastors to oversee their souls. O! but say some, though they cannot pretend right, may we not take their help? What help, I wonder! but help to oppress the Lord's people, elders and others, in their rights, and to be a dead weight upon them in calling gospel ministers. The bulk of

heritors in many parishes of Scotland being disaffected both to Church and State, if ministers of laxer principles can be settled, their help shall not be wanting. Principal Rule speaks of Popish patrons presenting Protestants in masquerade;* and if those gentlemen can find a man less friendly to Church or State, he shall be the man. The conduct of the Church, in this affair, exposes her to the private ridicule of those gentlemen. Have not some of them sat at the kirk stile, in the ale-house, during the time of sermon, before the moderation, being as afraid to defile themselves, by entering the church to hear a Presbyterian minister, as the hypocritical Jews of old were to enter Herod's house or judgment-hall, lest they should be defiled?

Fourth Proposition.—Such only have right to call pastors to this or that particular congregation as have residence therein, Acts xvi. 9. There "Paul, in vision he saw a man of Macedonia standing and praying him, saying, Come over into Macedonia, and help us." A man of Macedonia, not an extraneous person, but an inhabitant, one residing in the place. "Christ would have Paul directed thither, not as the apostles were at other times, by a messenger from heaven, to send him thither," says Mr Henry upon the place, "but by a messenger from thence to call him thither, because in that way he would afterwards ordinarily direct the motions of his ministers, by inclining the hearts of those who need them to invite them. Paul shall be called to Macedonia by a man of Macedonia, and by him speaking in the name of the rest." Mr Park, when arguing against patronages, he pleads from this topic of non-residence, and says, "It is impossible for a patron, that resides not in the parish, and perhaps not in the nation, to exercise his privilege upon any rational ground and motive," &c. The Commission of the General Assembly, in their address to Queen Anne, presented by the Rev. Mr William Carstairs, &c., when the British Parliament was about to rescind the act against patronages, among the sad effects of those formerly, they particularise this,—"That ministers were often imposed upon parishes by patrons who were utter strangers to their circumstances, having neither property nor residence in them." And the next General Assembly adopted the argument, esteeming it as valid, by approving the Commission's conduct in the affair. Now, if it was a fault in patrons to have a hand in imposing ministers upon

* Ezra iv. 1-3.

* Rule's Disc., p. 219.

parishes formerly, it is no less a fault in others now; and if there was any force in the argument of the patron's non-acquaintance with the circumstances of the parish, and in the argument of his non-residence, it is of the same force as to non-residing heritors now, while we have commissions to vote laid before us, from this or the other heritor in a distant shire, or in the extreme corner of the kingdom,—from this or the other gentleman at London, who, it may be, hath not set his foot upon Scots ground for many years, and may be, never designs to see it more, and knows nothing of the circumstances of the parish, nor more of the candidate than of the man in the moon; and, for any thing we know, spends his time in carding, dicing, drinking, &c., and may be, seldom or never sets his foot within a church to hear Presbyterian, Independent, or Episcopalian either, having neither care nor concern about the eternal salvation of his own soul, nor of the souls of others. To me this practice is much the same, and much worse, as to give some foreign princes a voice in the election of a sovereign to rule over us, or to give the gentlemen of another shire the choice of a representative for us in Parliament, or to give the town-council of one city or burgh a voice in the election of the magistrates of another burgh, in which they have no residence. Can any dream, people will have the same degree of concern for the right settlement of another congregation, in which neither they nor theirs, for any thing that appears, shall have their abode, as for that congregation in which they have their residence? *proximus sum egomet mihi,* or, near is my shirt, but nearer my skin. The conduct of people at transportsations is a clear demonstration hereof. And as this of giving a voice in the affair to non-residing heritors, as also that of allowing people not of our communion a suffrage, hath not a shadow of foundation in the Word of God; so, for any thing I can learn, they are practices that never had precedent in any Protestant Church in the whole world.

Fifth Proposition.—Such in Christian congregations as are ignorant, immoral, or irreligious, have no right to this privilege. Such as cannot be admitted to sealing ordinances, for ignorance, immorality, or irreligion, not having so much as a form of godliness, are surely most unmeet for choosing pastors to feed and oversee immortal souls, though *Creso divitor*, or richer than Cresus, or albeit possessors of as much land as ever did Alexander. The

people having right to vote, are such “as have been admitted, or, in the judgment of minister and session, are capable of being admitted to sealing ordinances.” Surely the 120 concerned in the election of Matthias, Acts i., and the multitude who elected the seven deacons, Acts vi., were disciples—“disciples instructed in the way of the Lord—disciples of a tender holy walk, free from immorality in their practice—disciples that worshipped the Lord—disciples that continued with the apostles in breaking of bread—disciples that were obedient to the faith.” Rutherford, when speaking of the people's right of election, says, “Election is either made by a people gracious and able to discern, or by a people rude and ignorant; the former is valid *jure et facto*, the latter not so.”* The Rev. Mr Park, as he pleads for the church, or people's right, in the affair, so still he speaks of the Church of believers. The Rev. and learned Mr Alexander Lawder, another valiant champion for Presbytery, though he pleads for all the brethren as having right to call, yet he says, “For such as are graceless, and unconcerned as to their spiritual state, I do not pretend that they have the right of elections, this being a privilege which belongs to those who are a ‘plebs obsequens praecipit dominicis, et deum metuens, to use Cyprian's wise and judicious words.’ The ancients gave this privilege to the brotherhood, or such as in the judgment of charity were brethren only. The Church of Scotland denied this privilege to the malignant; and surely ignorant, immoral, and irreligious persons are such, having enmity against God, against his ways, against his Word, and against a faithful gospel ministry. All the office-bearers in the house of God are to be “men full of the Holy Ghost and heavenly wisdom,” for the apostles commanded the multitude to choose such for deacons. And says the continuator of Pool's Annotations upon the place, “This is a good direction, which obliges to this day in all elections of any for the service of God and his Church.” But such as are sensual, wanting the Spirit, and may be, are ready to make a mock of being “filled with the Holy Ghost,” being ready to talk of the Spirit's mechanical operation, be their natural parts what they will, they are not capable to discern who are “filled with the Holy Ghost,” nor will they desire such. Will they be desirous of pastors according to God's heart, in whom the natural enmity of the heart against God is not slain? Unconverted sinners are

* Due Right of Presb., p. 201.

spiritually distracted, and besides themselves, calling good evil, and evil good, choosing the evil, and refusing the good ; and surely distracted persons are not fit to choose physicians for themselves nor others ? The people having right to call, right to choose, the people for whom Christ hath purchased this privilege, I humbly think, are not the promiscuous multitude, but "the chosen generation, the royal priesthood, the holy nation, the peculiar and purchased people,—the people that are concerned to show forth the praises of him who hath called them out of darkness into his marvellous light,—the people that in time past were not a people, but are now the people of God."* Those who in the judgment of charity are such ought only to be regarded here. Though there is nothing a godly religious people desire more than a faithful searching ministry, one that studies to speak home to the conscience ; yet there is nothing many ungodly and unconverted sinners hate more than a faithful ministry ; they hate him that reproveth in the gate. The minister such are most in love with, and readiest to choose, is he whom they expect will " speak smooth things, and prophecy deceit ;" being like a certain gentleman, who said, " What the devil have ministers to do with particulars, let them hold in good generals ? " The more honest people be in other employments, they are the more esteemed. The surgeon that skins not over the sore, but rips up and goes to the bottom of the wound, though his operations be painful for a time, is the more esteemed. The advocate or lawyer that tells his client of all the flaws that are in his plea, is reckoned the more honest man, and the more beloved. But many unconverted sinners bear a secret grudge in their breasts against ministers that are faithful in declaring the whole counsel of God, acting according to their credentials and commission ; and nothing will please them unless the minister damn his own soul, and go to the pit for silence and unfaithfulness ; such will see their folly soon or syne, as in the case of that nobleman, who, dying in despair, said, " My soul I commit to the devil, for to him it belongs ; my wife to the devil, for she hath been the occasion of my wicked life ; and my chaplain to the devil, because he dealt not faithfully with me."

Sixth Proposition.—In the calling of gospel ministers, pastors and people, or presbyteries and people, have their distinct rights. It is the right of the people to

* 1 Peter ii. 9, 10.

elect, as it is the right of pastors to moderate the election, to examine the person elected, and to ordain him upon trial. As the outward and ordinary calling of ministers consisteth in election and ordination, so this belongs, of divine right, to the Presbytery, as that belongeth, of divine right, unto the people. The people's election is not enough to constitute one a minister of the Gospel, nor give an actual right to the exercise of the ministerial office. Timothy was set apart for the work thereof, not by the people, but by the laying on of the Presbytery's hands.* As the seven deacons were chosen by the multitude of the disciples, so they were separated and set apart to their office, by laying on of the apostles' hands.† " Election doth not make the man a minister," says Rutherford, " but appropriateth his ministry to such a flock."‡ That, in calling of pastors, the rights of ministers and people are distinct, is asserted by the Church of Scotland, in her act approving the Westminster propositions concerning kirk government, and ordination of ministers, Assembly 1645, sess. 16. So the London ministers, who say, " In Scripture, ordination is held forth as greater than election, and therefore not given to one and the same persons ; but ordination is referred unto the more honourable persons, as appears from Acts vi. 3, 5 ; Tit. i. 5 ; 1 Tim. iv. 14, and v. 22."§ Indeed, in cases of necessity, as in case there be no ministers to ordain, or in case of a total corruption in the ministry, then, as our divines assert against Romanists, " a Christian, religious, faithful people, may prove and set apart men to the work of the ministry." Rutherford says, " In cases of necessity, election by the people may stand for ordination, where there be no pastors at all. Ordination of pastors is not of that absolute necessity, but in the exigence of necessity, the election of the people, and some other thing, may supply the want of it."|| And so the author or authors of English Presbytery, printed in the year 1680, for the vindication of Presbyterians from the aspersions of Romanists and Prelatists, Art. vi. of the Church, p. 6, there it is asserted, " Presbyterians, in a total corruption of the ministry, or a want of ministers, they believe that a faithful people may prove, and set apart persons to the ministry, that no ordinance of God may be lost which he hath given to his Church ; so that none, to prove their ministry, need to run to an

* 1 Tim. iv. 14.

† Acts vi. 1-7.

‡ Due Right of Presb., p. 300.

§ Jus. Div. Min., p. 188.

|| Due Right of Presb., p. 187, 201.

apostolical succession, impossible to be satisfactorily made out by the greatest pretenders to it, or pleaders for it, which are the Papists.

Seventh Proposition.—As it is the right of the Lord's people, in Christian congregations, to choose the overseers of their immortal souls, so this is a right that is not alienable by them,—a right they cannot intrust to others,—a right they cannot part with,—a right they cannot give away to magistrates, heritors, town-council, elders, presbytery, bishops, patrons, or to any else. Christ, the Head of the Church, commands his people “to stand fast in the liberties wherewith he hath made them free.”* And there he cautions against being “entangled with any yoke of bondage.” The Church in this case is not *sui juris*; and though she would, she cannot justly give away her right to any other, nor can her right be taken from her. The learned, solid, and tender casuist, Amesius, as he lodges the right of election in the whole church, so he says, “*Jus vocandi ita quoad proprietatem in ecclesia manet, ut non possit vel autoritate aliena eripi, vel voluntaria concessione amitti, vel aliena fidei plane committi, actus enim ecclesia est causa necessaria ad vocacionem ecclesiasticanam requisita.*”† The Rev. Mr Cartwright speaks to the same purpose, in answer to Archbishop Whitegift, who had asserted, “the people's right of election was given away by their own consent to the king, in regard their representatives in Parliament consented to that law which gave his Majesty such a right.” So also the renowned Calderwood, when speaking of the right of particular churches to elect their pastors, “non possunt transferre jus illud,” &c.‡ So the Rev. Mr Rutherford, who quotes the above citation from Calderwood, translating his words thus, “The Church may not transfer her power of presenting to a patron, for that is in effect to transfer her power of election; but that,” saith he, “the particular church cannot do, except by the decree of a General Assembly. Neither can this right be transferred over to a General Assembly, especially a perpetual and hereditary right, ‘because,’ as saith Cartwright, ‘it is a part of that liberty which is purchased by Christ's blood, which the Church can no more alienate and dispose of, than she can transfer or dispose to another her inheritance of the kingdom of God, to which this liberty is annexed.’”§ The Rev. Mr Park, in his

Treatise against Patronages, a book approved in the Church of Scotland, and so much the Rev. Mr Wodrow hints, when he calls it the book so well known in this Church, where I doubt not he speaks of a knowledge of approbation; there he speaks excellently to this purpose, when arguing against the Church's alienating her right of election to the patron. And all or most of the arguments he or others bring against transferring this right unto patrons, they are, in my opinion, of equal force to an hair's-breadth against transferring it to any other. “The Church,” says he, “is utterly incapable to alienate or transfer her spiritual rights and privileges, or to divest herself of them; these are interests that are not at her disposal, she being only intrusted by Jesus Christ, her sole King and Lawgiver, with the custody and administration of them, for the good and edification of the present and succeeding generation. The Church can no more make over her spiritual rights and privileges, or subject herself to strange lords and new lawgivers therein, than a woman can make over the right of her body, which only belongs to her lawful husband; or an innocent person the right of his life to a murderer; *nemo est dominus sue vitæ aut suorum membrorum*; or than a prince the rights of his crown and kingdom, and the liberties of his people, to a foreign power; or a person in nouage the right of his estate (as the apostle expressly tells us, that the heir differs nothing here from a servant); or, in a word, than the administrators and governors of a city and community can alienate the rights of their constituents. It is our Lord Jesus Christ, and he alone (who is the Church's only Head and Lawgiver), that hath power to settle the rights and privileges of his Church in such hands, and in such order, as his infinite love and wisdom thinks fit. All the right and power the Church hath in those, is only a naked trust to keep and manage them, according to the appointment and the instructions of her Lord and Master; and when she exceeds that, she desboards and goes beyond her commission: so that all the transmission she can make, is but *jus a non habenti potestatem*, like a grant of the property of an estate, by a person that hath no other right to it but a naked commission to uplift and collect the rents for the use of the true proprietor.”* The Rev. Principal Rule says, “The power of election is Christ's legacy to his people, and is not alienable by them; it is a right which they cannot give away, it nearly con-

* Gal. v. 1. † De Cons., lib. iv., cap. 250, quest. 5.
‡ Alt. Dam., p. 332. § Div. Right of Presb., p. 464.

* Pp. 64-68.

cerneth their souls, and such concerns are not at men's disposal."

Now, the testimony or judgment of those worthies, with many others which might be named, in my opinion is very considerable; indeed, sundry strenuous pleaders for the people's right to elect their own pastors—sundry who own this right is lodged originally in them, have been of opinion, the choice or decisive suffrage may be given to others, as some have been for giving this to the eldership, some for giving it to the Presbytery, some to both conjunctly, some to them with the deacons, yet still leaving the right of consent to the people. But, with all becoming respect, I must beg leave to differ from them, and humbly think, albeit the people should have not only a liberty of consenting, but also a negative over such electors, that is not enough, Christ having lodged the right of election originally in the people, as they grant. This is a right and power people cannot give away; this is a right which cannot be taken from them. And here, I would ask at such as are of a different mind, whether they think the right of Presbyters to rule and govern the Church, can be given away to bishops or magistrates? or I would ask such, whether they think ministers or elders may give away their right of sitting in Presbyteries or Synods to some few more eminent members, for preventing the division, strife, debate, and confusion which sometimes may happen when about 60 are met, as it may be in the Presbytery of Edinburgh; or upwards of 250 are met, as it may be in the Synod of Glasgow and Ayr; and not only the pretence of preventing confusion or division, but also the consideration of saving expenses and travel; and the specious pretence of ministers, their being better employed at home in the work of the Lord, might be pleaded in the case? The Church of Scotland never thought it lawful to give the right of government to diocesan bishops, nay, not though under the restriction and limitation of being accountable to the General Assembly, as to the whole of their conduct and management. Now, if ministers of the gospel, among whom our Lord hath instituted perfect parity in respect of government, may not give their right away, nor can it lawfully be taken from them and given to others, though those in the esteem of men should be ten thousand times fitter for governing the Church of Christ; nor may elders give away their right; then the right which Christ hath lodged in his Church or people, it cannot be given away nor

taken from them. It is Christ's gift, and given to be exercised by themselves: as he hath given this power, so also he hath given his people the exercise thereof. So says Mr Calderwood, "Facultas eligendi pastores tradita est ecclesiae, si facultas etiam facultatis exercitium," &c.—"the power of choosing pastors is given to the Church; if the power, then also the exercise of that power, otherwise the power should be given in vain, which, without another farther power, could never be reduced into action."* The London ministers say, "How vain, idle, impudent, and ridiculous is it, to fancy and dream of such a power as shall never be drawn into act by them that have it!"† Can any imagine Christ hath given a power to his people to choose their own pastors, and not a power also to exercise it? Can any dream Christ hath lodged a power in them, bestowed a privilege on them, and purchased a right and liberty for them, which they must give away to others, or which others may take away from them; though who those others are, our Lord hath never mentioned in all his Word? Hath he that is the Wisdom of God lodged a right in his people which they are not fit to exercise? Hath he given a right which he designed should never be exercised by them? Had he designed the exercise of this right, liberty, or power should be given to others, then he had given it away to those himself; for people to give away, or part with their right in the affair, would argue the highest contempt of our Lord's kindness—a contempt of his gift and grant. And should people give away this right to others, then those others could not have this privilege from Christ, but only from men, and this would be an ill-gotten gift, little to the credit whether of giver or receiver.

Eighth Proposition.—As it is the right of the Lord's people, in Christian congregations, to choose their own pastors, so this is equally the right of every man, whether rich or poor, whether in higher or lower station in the world, if meet, for age, knowledge, virtue, and piety, to be admitted to the table of the Lord. Now, the greater ones of the earth, and many for them, pleading this is their right above what is due to people of an inferior rank, I hope to be excused, though I should insist upon this at greater length. There was no distinction made between the rich and poor in the choice of Matthias, Acts i.; nor of the deacons, Acts vi.; though the richer might pretend to a suffrage before

* Alt. Dam., p. 7.

† Jus. Div. Reg., p. 99.

others, in regard their charity or liberality would readily be larger. No distinction between rich and poor in the Church's choice of Judas and Silas, to go with Paul and Barnabas unto Antioch,* nor in their choice of Titus to travel with the apostles.† Indeed, no man in his right wits will deny, but civil respect is due unto men according to their quality, birth, wealth, parts, place, and station in the world: that honour is to be given to whom honour is due, no man that regards the Scripture will deny. Religion is no enemy to civility, nor is Christianity an adversary to courtesy, whatever deluded Quakers and enthusiastic persons may think to the contrary. But the calling of gospel ministers is not a civil, but an ecclesiastical, spiritual, religious, and Christian privilege, to which the poor as well as the richer members of the Church of Christ have equal right. The learned Apollonius, whom Rutherford calls a man of great weight, says, "Vocatio pastorum est actio spiritualis, sacra, et formaliter ecclesiastica," that is, "the calling of ministers is a spiritual sacred action, and formally ecclesiastical." The learned Voetius, whom Mastrich calls *Famigeratissimus*, or the most famous, when arguing against Patronages, he says, "Plane monstrorum est," &c.—"it is plainly a monstrous thing, that any ecclesiastical elective power should succeed by hereditary right; and it is more monstrous that it should be bought with money. And who ever heard it said in the New Testament or Old, that a spiritual or ecclesiastical power was joined with an estate, lordship, or lieutenancy, as a shadow to the body, so that the estate should be the subject or vehicle of power?" And he also calls it "a power that is formally ecclesiastical, which therefore cannot belong to the magistrate."‡ The public Resolutioners, they call it a Church privilege.§ This right is not a civil business, nor is it a half spiritual matter, as Burnet, in his Dialogues, would have the policy of the Church to be.|| No, all lawful powers that are of God, are either civil, or ecclesiastical and spiritual; for as to mixed powers, that is, such as are neither purely civil, nor purely ecclesiastic and spiritual, and such as give the office-bearers of the Church an interest in managing of secular affairs, and secular powers and interest in *sacris*, as Mr Park says, "We must surely disown them, as having no foundation in divinity nor good policy, but expressly contrary to

* Acts xv. 22.

† 2 Cor. viii. 19.

‡ Pol. Eccl., par. 2, pp. 610, 623.

§ Ans. to Protesters no Sub., p. 77.

|| Ans. to Dial., p. 121.

both." And again, "The looking out, nomination, and election of gospel ministers, are all actions of a spiritual and ecclesiastical nature," says he, "and such as by the Holy Ghost are always given to the Church." And he asserts, "That the poorest and meanest Christian hath as good a right to this privilege of calling gospel ministers as the richest patron."* And surely a patron, as a patron, hath as good a right to this as any heritor, magistrate, town-counsellor, or other person, by his estate, wealth, or civil station in the world, can pretend unto. There is not a γραμμή, not a syllable in all the Scripture, giving countenance to the rich or great ones of the world in this affair above the poor, or people of an inferior rank; yea, I humbly think it is plainly antisciptural, James ii. 1-4: "My brethren, have not the faith of our Lord Jesus Christ, the Lord of glory, with respect of persons. For if there come into your assembly a man with a gold ring, in goodly apparel, and there come in also a poor man in vile raiment," &c. That which the apostle condemns, is the respecting of persons in spiritual privileges upon the account of wealth, or things extrinsical to religion. The continuator of Pool's Annotations, when commenting on the first of those verses, says, "To have the faith of our Lord Jesus Christ with respect of persons, is to esteem the professors of religion, not for their faith or relation to Christ, but according to their worldly condition, their being great or mean, rich or poor." And this, says he, the apostle taxeth in those to whom he wrote: "That whereas in the things of God all believers are equal, they respected the greater and richer sort of professors, because great or rich, so as to despise those that were poor and low. And," says he, "the text condemns the respecting of men in the things of religion, upon such accounts as are extrinsical to religion, or with prejudice to others, who are as considerable in religion as themselves, though inferior to them in the world." And by their assemblies spoken of in the second verse, in which they showed respect to the rich more than the poor, he says, "either their assemblies for religious worship, or their assemblies for disposing of church offices, and deciding church controversies, may be meant." Mr Burkit, commenting upon these verses, says, "That which the apostle condemns, is our respecting of persons in religious matters. In the things of God all are equal, the rich and poor stand

* Against Patron., pp. 88, 90, 96.

upon the same terms of advantage ; and," adds he, " external relations and differences, they bear no weight at the Gospel beam." And that judicious commentator, Mr Caril, having cited these verses in the second volume of his Commentaries upon Job, he says, " In administering the things of God which are spiritual, we must observe no distinction among men. Christ hath given alike and equally to rich and poor, to bond and free ; and, therefore, as to Church privileges and enjoyments, all must be alike and equal to us. No man is to be known after the flesh in the things of the Spirit ; no man is to be valued merely upon natural or worldly accounts. If we do, then," says he, " as the Apostle James concludes in the last place mentioned, are we not partial in ourselves ? that is, as some also translate that reprobating question, have we not made a difference, a groundless difference, or a difference grounded upon carnal respects, rather than upon any solid reason, and are become judges of evil thoughts ? that is, have made our judgment of these persons, according to the dictates of our own evil and corrupt thoughts, not according to the rule of the Word."* Now, according to these commentators, the apostle condemns the respecting of persons in the matters of God, in the things of religion, and in spiritual privileges, because of their wealth, and things that are extrinsical to religion ; and, if he condemns the making a difference in these, upon worldly accounts, then surely he condemns the giving heritors a suffrage in the election of ministers *qua* heritors ; or, because of their wealth, the giving a suffrage to the rich more than to the poor ; to them that have a worldly heritage more than to them that want one ; to them that are in a higher station in the world, more than to those that are in lower place. Voetius, citing Bishop Bilson, who excludes the poor and country people from the privilege of election, says, " This practice surely approves of that respect of persons which is condemned by the Apostle James," James ii, 1-4. The Rev. Mr Lawder says, " In a corporation or city, persons act or vote, not as they are rich, but as they are burgesses ; the meanest burgess has his suffrage or elective voice in the choice of the mayor, and the richest burgess can pretend to no more. In like manner, persons give their suffrages in the election of bishops or pastors, not as they are rich, but as they are Christians ; not as they are lords, barons, heritors, &c., but as they are faithful

in Christ, and have a right to Christian and ecclesiastical privileges ; wherefore, the poorest servant, weaver, or cobler, has his elective voice in the creation of a bishop, and the greatest lord or baron can pretend to no more. The meanest tradesman belongs to the peculiar people. The royal priesthood are kings and priests to God and to Christ, having as full a right to sit down at the table of the Lord, or to demand baptism to their children, as the greatest princes or nobles, and therefore have as good a right as they to give their voices in the election of bishops. Those, then," says he, " who object, that our pastors are elected or called by weavers, shoemakers, &c., they speak profanely and ignorantly."* And farther, which is condemned in Scripture, this looks very like a lording it over God's inheritance, for ministers of the Gospel to give the decisive suffrage to lords and lairds, depriving his people of their spiritual privilege, because they have not earthly inheritances. Under the law, when Israel was numbered, the poor beggar was to give as much as the king, namely, the half shekel of atonement money, which was the offering of the Lord ; this we see, Exod. xxx. 15, where it is said, " The rich shall not give more, and the poor shall not give less, than half a shekel." This shows, that rich and poor are equally dear to that God, who is no respecter of persons, and that their souls are of the same value, redeemed at the same price, having equal right to the same spiritual privileges. Who can say, but the judgment of Onesimus, though a poor servant man, had been as much, and far more to be regarded in the affair, than the judgment of the Deputy Gallio, or yet of King Agrippa, though they had been baptized, and professed Christianity, while the one was lukewarm in the cause of Christ, and the other an almost Christian only. To make a difference of rich and poor in this, is to shame the counsel of the poor. Hath God chosen the poor of the world, rich in faith, and heirs of the kingdom, and shall they have no choice of their own pastors, because they are not rich in the world ? Here we are not to seek great things for ourselves ; but if the calling of gospel ministers were the peculiar privilege of the rich, or more their privilege than the poor's, then I think it should be their daily suit, that the Lord would give them such a portion of the world's wealth, as might enable them to purchase an heritage, or else their suit for themselves and his people should

* P. 1122, fol. edit.

* Ancient Bishops Considered, p. 375.

be, "Lord, make us all lairds." Is not their being the Lord's heritage, and their having God himself for the portion of their inheritance, their having such a goodly heritage, and being infeft in the heavenly inheritance, the forerunner being for them entered, a better right to this spiritual and ecclesiastical privilege than any earthly heritage, or being the eldest family in the congregation, can give? The privilege of calling gospel ministers is Christ's gift, and shall we think it may be bought with money? Such as say so, have neither part nor lot in this matter themselves. Shall spiritual privileges be given for carnal things, or bestowed from carnal worldly considerations? "Quod tangit omnes, fieri debet ab omnibus—that which concerneth all is to be managed by all," hath been a received maxim; and the full Vindication of the Commission's Overtures is so taken with this maxim, that they cite it once and again, calling it "one of the fundamental maxims of Presbytery, laid down by these eminent Westminster divines, who composed *Jus Divin. Reg. Eccl.*"* There, indeed, they are arguing for the right of

general sessions to choose or call ministers, and say, "If general sessions have no more but a consultative vote or power, then their power is a mere shadow or dream, and nothing but the sound of a word." And I am sure there is no less ground to say, If people have no more but a bare liberty of consenting, or a consultative vote, then their power of calling their own pastors, given by Christ, is reduced to a mere shadow and dream, to something that leaves the sound of words behind it, and nothing else, if the ordination may go on, whether they consent or not; and who can deny but the poor of a congregation have as great an interest in the person chosen for pastor as the rich? Are not all souls of the same value? General sessions, and the rest of the inhabitants of a town, are not so nearly concerned in the election of a pastor to the city, as the session and parish in which the minister is to be placed. The whole city of Glasgow or Edinburgh is not equally the charge of every minister in those cities; every minister is not to account for every soul in the city.

CHAPTER II.

BUT I proceed to the second thing proposed, namely,—to prove from Scripture, that it is the right of Christian congregations, the right of the Lord's people, to choose the pastors and overseers of their precious souls. And,

First. Their right in this appears from the election of Matthias, Acts i., from the 15th verse downwards. There the disciples of Christ, to the number of 120, being gathered together, were called by the inspired Apostle Peter, to nominate and make choice of two, that had accompanied Christ and his disciples from his being baptized of John, at which time our Lord began his public ministry, that one of them might be a witness of Christ's resurrection, publishing the same, as an apostle, by preaching the glorious gospel unto the world. And accordingly, they, viz., the 120 disciples, in midst of whom the apostle stood up, and spake the *ἀδόπις ἀδιλόου*, men, brethren, to whom he spake in the 16th verse, they appointed, *εἵρνεαν δύο, σταυρεῖν duo*; so Beza renders the words, they appointed, determined, decreed, offered or presented two. And, in the margin, printed with this translation, the note for expli-

cation is, "publice et totius collegii suffragiis," he was chosen by common suffrage, by the voice of the whole brotherhood gathered together. Matthias being to be an extraordinary office-bearer in the house of God, it was extraordinary in his election that it was referred, by lot, to God's immediate decision, whether he or Barsabas should be the person; yet, as he was to be an officer in the Church of Christ, he had the choice and consent of the Church, that his election might be a precedent in future ages, the disciples, the 120, appointing or choosing the two. And, in the last verse, it is said, "And they gave forth their lots, and the lot falling upon Matthias, he was numbered with the eleven apostles. The Greek word *συγκέτηψησθαι*, which, in our translation is, he was numbered, it signifies to choose by vote, or common suffrage. Arias Montanus renders it, "simil suffragiis electus est." Beza renders it, "com munibus calculis electus est." It having been the custom of old, to give their judgment by stones or counters, the sacred historian alludes to it. Now this is the first New Testament instance of the choice of an office-bearer in the Church of Christ, wherein men were concerned, and therefore

* pp. 80, 90.

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surely designed of God for a rule and precedent to the Church of Christ in future ages. And had not this been designed as a precedent, we may rationally think the Sovereign King of Zion had called Matthias immediately, as he did the other apostles, which had been as easy as the sending Peter, with a message to the 120, to elect two, that one of them might be chosen by lot. And, as the Rev. Mr Hog says,—“If, in any case, the right of Church members might have been overlooked and laid aside, the circumstanced state of affairs in this case appeareth most favourable this way. Here we have the whole apostolical college, and busied about the choice of an apostle; as to which, if in any thing of that sort, it might have been colourably pleaded, that the people have not such a near interest, and yet the Lord commands them to make the nomination.”*

For proving the people's right to call, this is a Scripture which is adduced by almost all our Protestant divines that write against Papists, Prelatists, and Patronages. Turretine cites it for this end, and says, “*Tota ecclesia duos elegit, que sortem subeant apostolatus, et sorte jacta in Matthiam, additus est communis consensu numero apostolorum,*”—“the whole Church chose two, and the lot falling upon Matthias, he was added to the number of the apostles by common consent.”† And the learned Amesius cites this Scripture to prove the people's right, when arguing against the Popish Cardinal Bellarmine, and says, “*Non soli apostoli, sed tota ecclesia elegit Matthiam et Barsabam, ut ex iis Deus unam assumeret,*”—“not only the apostles, but the whole Church did choose Matthias and Barsabas, that of them God might take one.”‡ And as Turretine and Amesius, so the throng of all our systematic writers adduce it. Calderwood cites it for this purpose, saying, “*In ecclesia primoprimativa, id est, apostolica, electio tum pastorum tum aliorum ministrorum ecclesia, erat penes ecclesiam,*”—“in the primoprimitive Church, that is, the apostolical, the election of pastors, and other ministers of the Church, was in the power of the Church.”§ Rutherford cites it many times for this purpose, as in his 26 and 36 Letters, a book which deserves to be printed in letters of gold, whatever slight thoughts such may have thereof as want the commentary of experience to expound it. He says, “From this Scripture, we shall find God's people should have a voice in choosing Church

rulers and teachers. And, in his Due Right of Presbyteries, citing this place of Scripture, he says, “Matthias was elected an apostle by the Church. That which concerneth all, must be done by all; and that which concerneth the feeding and governing the Church of the whole world, must be done by those who represent the Church of the whole world; but that Matthias should be chosen and ordained an apostle to teach the whole world, concerned all the Churches.” And he says, “Beza, Calvin, Piscator, Tilenus, Whittaker, Chamier, Parraeus, and Bucanus, Professors of Leyden; Wallaeus, Willet, P. Martyr, Ursinus, &c., and all our divines, yea, Lorinus the Jesuit, and Cajetan allege this place with good reason, to prove that the ordination and election of pastors belongeth to the whole Church, and not to one man, Peter or any pope.”* The Rev. Mr Gillespie cites it, saying, “Matthias, though an apostle, was chosen by the suffrage of the 120 disciples.”† Mr Park says, “If the apostles, who were instructed by Christ in all things that concerned his kingdom, did proceed with the consent and concurrence of the Church and people of God, to the election of so high and extraordinary an officer as an apostle, it strongly imports that it was their Master's mind that they should so do, not only in the particular election of that apostle, but also, and much more, in the choice of the inferior and ordinary office-bearers of the Church.”‡ Principal Rule says, The apostles were so careful, yea rather, the Lord was so careful to preserve the right of election of ordinary officers, that when men, for extraordinary work, were to be sent forth, the people's choice was not neglected; hence two were chosen by the multitude, and presented to the Lord, that by lot the Lord might choose one of them to be an apostle.”§ Principal Forrester, citing this Scripture, says, “The two candidates for the apostolate were chosen, not by the apostles alone, but with consent and appointment of the Church.” And again he says, “Nay, the very persons, one of whom was to be immediately ordained an apostle by God himself, were chosen and presented by the Church.”|| Dr Owen says, “And whereas he who was first to be called to office under the New Testament, after the ascension of Christ, fell under a double consideration, namely, of an officer in general, and of an apostle, which office was extraordinary, there was

* Right of Church Memb., &c., p. 9.

† Vol. 3, Edit. Genev., p. 255.

‡ Bell. Enerv., p. 96, par. 2. § Alt. Dam., p. 8.

* Alt. Dam., pp. 55, 54. † Elect. of Past., p. 16.

‡ Against Patron., p. 102. § Kat. Def., p. 201.

|| Query 20, to Prelatists of Scotl.; and Appendix,

§ Princip., p. 262.

a threefold act in his call: the people chose two, one of which was to be an officer, Acts i. 22; God's immediate determination of one, as he was to be an apostle (verse 24;) and the obedient consent of the people in compliance with that determination" (verse 26).^{*} And he says, "This of the election of Matthias is such an example, that he wonders men durst ever reject or disannul it."[†] And the great and famous Dr Owen's inclining to the Congregational way, is no just ground of prejudice against his testimony upon this head, more than in other points of doctrine, in which some have reckoned him the standard of human particular writers; for this of the people's right to choose their own pastors is no peculiar *δογμα* or principle of our brethren the Independents, as may be shown more fully afterwards. The Rev. Mr Lawder says, "Matthias was, without doubt, elected by the people. God hath lodged the right of elections in the body of the people, and therefore their bishops and pastors should be nominated and elected by the body of the people. In the election of Matthias, the people did all that could be done by men in the affair,—they elected two, and did not nominate the individual person; not because they were not the source of elections, but because the person to be elected was to be put into the apostolical office, and it was requisite that an apostle should be elected in an extraordinary way, and, in some sort, immediately by Jesus Christ, as M. Claud observed;" and says he, "The people's electing of Matthias and Barsabas, one of which was to be an apostle, was more than to elect ten bishops to have a power to elect two; that one of them may be an admiral, is more than to have a power to elect ten captains of frigates."[‡] And so of a vast many other eminent Protestant divines, who might be cited to this purpose. I know sundry things are excepted here. Bellarmine himself, and Dr Hammond also, I think, are said to own, that the 120 appointed or presented the two; but then, says the first of these, it was only by Peter's concession, and not by any divine right that they elected; as the other was of opinion, that all the 120 were church-officers; which *nominasse* is *refutasse*, no shadow of ground in Scripture for saying this was by any concession of Peter's right to them, and there is no ground to suppose them all church-officers; for as yet the deacon's office was not instituted; and as for the 70 disciples, their

* *Inq. into the Nature and C.*, p. 241.

[†] *Nature and Gov.*, p. 62.

[‡] *Ancient Bish. Cens.*, pp. 344, 364.

commission was only temporary. And in Scripture, at this time, we read of no church-officer, but only the 12 apostles; and there is as much ground to say the rest of the 120 were all patriarchs or metropolitans, as to say they were diocesan bishops. But, which is more to be wondered at, the London ministers, in heat of dispute against such as made the whole essence of the ministerial call to consist in election, and looked upon ordination, if not as antichristian, yet, at best, but as an indifferent thing, in flat, direct, and downright contradiction to themselves, they except against this Scripture, as insufficient for proof of the people's right. I say, they attempt the enervating the force of this text, in downright contradiction to themselves; for, in the page immediately preceding this attempt, when speaking of a mediate call, its being either extraordinary or ordinary, they say, "Thus the call of Matthias to the apostleship was extraordinary, by the use of a lot, and yet also by the choice of the people."^{*} And, by their conduct here, to a demonstration, it is confirmed what they say afterwards, namely, "that the nature of man is always apt to run from one extreme to another." And here they except, saying, "The persons appointing the two, of which in the 23d verse, were not the people, but the apostles, in all probability; for," say they, "the 120 disciples are named only in a parenthesis; and Peter, in his whole discourse, relates especially, if not only, to his fellow-apostles. For proof of this," "they say, in the 17th verse it is 'said he was numbered with us;' and in the 21st verse, it is said, 'which accompanied with us,' that is, the apostles; and in the 22d verse, it is said, 'must one be ordained to be a witness with us,' that is, the apostles."[†] But surely all that is advanced in this is of small weight; for suppose a minister were to call the elders and other members of the congregation together, in order to elect an elder or elders, as I know some have done; and one, narrating matter of fact, should say, at such a time, or in those days, the minister stood up in the midst of the meeting, among the people or members, and said (the number of men assembled together, being about 120), it is needful, that one or more of our number being removed, another, or some others of such as have accompanied with us (as the deacons do), should be chosen to labour or rule with us, and take the oversight of the congregation with us; and, if the historian should add, and

* *Jus Div. Min. Evan.*, p. 126.

[†] P. 163

they appointed two,—could any rationally infer hence, that it was the eldership only which made the choice, and that the people had no hand in the election?—would it not be far more rational to infer that the election was made by elders and people jointly? For what they say in the next paragraph, namely, "That if it was the 120 that choosed, yet, in this, they were guided and directed by the apostles;" and say they, "it was electio populi praeuentibus et dirigentibus apostolis,"—"popular election, or an election of the people, being guided and directed of the apostles." Now this is all we plead for. We do not say the disciples elected in distinction from Peter and the rest of the apostles; and it is not denied but the right of moderation at elections belongs unto the Presbytery. But not to insist farther on this, such as please may see large and solid answers to what they or others except, in Mr Lawder's excellent piece, entitled, "The Ancient Bishops Considered:" and in Amesius, his "Bellarmine Enervatus;" and for all the London ministers except, there they are plainly for the people's right to elect their own pastors, as may be shown afterwards.

Secondly, That it is the right of the Lord's people to elect their own pastors and overseers, the right of Church members, is evident from the hand the multitude had in the election of the deacons, Acts vi. 2-6. There we find the twelve apostles, Matthias being numbered with them, calling the multitude of the disciples to them, and exhorting or commanding them to look out from among themselves seven men, full of the Holy Ghost and wisdom, whom they, viz., the apostles, might appoint over that business, namely, the caring or collecting for the poor, and seeing to the distribution of the church's charity. And as the proposal or command was pleasing to the whole multitude of the disciples, or of the Lord's people, for that is the name by which they were then called, so the choice was wholly left unto them by the twelve, as that which of right from Christ belonged unto them; and accordingly, the whole multitude elected the seven, and set them before the apostles for ordination, by imposition of hands. The people had right from Christ to choose their deacons, and therefore *a fortiori*, or much more have they a right to choose their own pastors. This is another Scripture from which the throng of our Protestant divines (if it be not some of the high-flying Episcopalian) do argue for, and confirm the Divine institution of popular calls or elections. The

reverend and renowned Mr Gillespie having asserted, that the right of election pertineth to the whole church; for proof of his assertion, he cites this Scripture, and says, "The apostles required the whole church and multitude of disciples to choose out from among them seven men to be deacons." Acts vi. 2, 3.* Rutherford cites this Scripture also, for proving the people's right in the affair, and says, "We never read in the apostle's churches, a man was obtruded upon the people against their will, and therefore, election by the people, in the apostolic Church, must be our rule, as Acts i. 26, and vi. 2-4. Any election without the people's consent must be no election; for, if it please not the whole multitude, as Acts vi. 5, it is not a choice."† Park, when proving the interest of the church of believers in the election of her pastors, says, "Thus, we also find, that the looking out, nomination and election of the deacons, whose office is one of the ordinary, though inferior offices of the Church, is given by the appointment of the apostles to the multitude of the disciples, or ordinary believers; in which action," he says, "it is evident the multitude of disciples or believers were left by the apostles to their own freedom and discretion in the election." As also, he says, it is evident, "that the looking out, nomination, and election of the seven was accordingly performed by the multitude of believers, *in prima instantia*, without the prelimitation of a previous nomination or choice."‡ Dr Owen cites this Scripture also, for proof of the people's right to choose their own pastors, as well as other church-officers, and says, "It is impossible there should be a more convincing instance and example of the free choice of ecclesiastical officers, by the multitude or fraternity of the church, than is given us herein. Nor was there any ground or reason why this order and process should be observed, why the apostles would not themselves nominate and appoint persons, whom they saw and knew meet for this office, to receive it; but that it was the right and liberty of the people, according to the mind of Christ, to choose their own officers, which they would not abridge nor infringe." And he affirms, "That, in this pattern and precedent, the interest, power, and privilege of the multitude of the people, in calling of meet persons to office in the Church, is so secured unto them, as that they can never justly be deprived thereof."§

* Pop. Cer., p. 280. † Due Right of Presb., p. 495.

‡ Against Pat., pp. 102, 103.

§ Nat., and Govern. of a Gospel Church.

The Rev. Principal Forrester says, " This right of the people to call their pastors, Presbyterians have made good from several clear Scripture grounds ; " and, citing this sixth of the Acts, he says, " The infallible apostles, in point of knowledge of gifts and qualifications, would not ordain the deacons, but upon the people's choice and selecting of the persons, though the office had a respect only to the disbursing of their alms or charity ; and," says he, " if such a trust as this, of disbursing the people's alms, was judged, by the apostles, necessarily to require the people's consent and choice of the persons, the far greater trust of the soul's conduct must, *a fortiori*, require such a consent." * Many others might be cited to this purpose, as Calvin, who says, " Non aliter ascribitur Matthias apostolorum collegio, nec aliter septem diaconi creantur, quam populo vidente et approbante." † The learned professor, and choice commentator, Paræus, cites it,— " Ecclesia habet jus vocandi, Acta vi. 3, quia est domus Dei viventis." So Calderwood cites this Scripture, for proving the people's divine right to choose their own pastors. Durham calls it a clear evidence of a people's interest in their calling of a minister. So Principal Rule, Mr Shiels, Mr Lawder, Turretine, Amesius, and almost all our systematic divines, and suchas write against Patronages, Papists, and Prelatists, they cite this to prove, that the people have right from Christ to choose their pastors and overseers.

Here it is commonly excepted by opposites, as it was by Bellarmine the Jesuit, of old, that, in this text, the apostle is not treating of the election of pastors; and to argue, from their having a right to choose their deacons, to the people's having a right to choose their pastors, is not valid. The deacons were only to manage their charity, and they might be fit enough to judge of the fitness of the persons for that office, when yet they were not to be intrusted with, nor fit for the choice of pastors; and to argue, " a minore ad majus non valet affirmatio," say the London ministers. ‡ That they may not choose their pastore, though they may choose the distributors of their benevolence, is a frivolous exception, as Principal Rule says, " For, 1. Both are church-officers instituted by Christ, and in this they are alike. 2. It were a less matter, that people were imposed upon in this lesser concern, than in that of greater consequence ; and if the

Lord hath taken care, that they should be satisfied about the one, much more about the other." The Rev. Dr Owen speaks much to the same purpose, and says, " Nothing can be weaker than this pretence or evasion ; for, 1. The question is concerning the calling of persons unto office in the Church in general, whereof we have here a rule, whereunto no exception is any way entered. 2. This cannot be fairly pleaded by them, who appoint deacons to preach, baptize, and officiate publicly in all holy things, excepting only the administration of the Eucharist, as Prelatists do. 3. If people are meet and able to judge of them who are of honest report, full of the Holy Ghost and wisdom, which is here required of them, they are able to judge who are to be their pastors. 4. The argument holds strongly on the other side, namely, that if it be right and equal, if it be of Divine appointment and apostolical practice, that the people should choose those who were to collect and distribute their charitable benevolence, because of their concernment therein, much more are they to enjoy the same liberty, right, and privilege, in the choice of their pastors, unto whom they commit the care of their souls, and submit themselves unto their authority in the Lord." * Mr Lawder speaks to the same purpose, and says, " It is irrational to think, that God would give a right to his people to choose some church-officers, and not to elect others ; they have a right to choose their deacons, and therefore, *a fortiori*, they have a right to elect their bishops. A man has a right to choose his servant, therefore, much more has he a right to choose his wife, because his interest and happiness depends much more upon the right election of a wife. The interest of the Church depends much more upon the bishops than the deacons : therefore, if it have a right to elect its deacons, much more should it be supposed, that it has a right to elect its bishops." And so Amesius, — " Fortius igitur stringent argumentum, ut Synodus Africana notat apud Cyprianum, si ne diaconos quidem eligere voluerint apostoli sine suffragiis ecclesie, certe pastores noluerunt ipsis obtrudere non conscientibus, plures enim et graviores sunt cause consensum ecclesie requirentes in pastoribus quam in diaconis instituendis." † And, for the argument, " a minore ad majus," or, from the less to the greater, the London ministers themselves argue to this purpose : " Deacons must be tried, and if deacons, the lowest officer in the Church,

* Appen. p. 262. † Instit., lib. 4, cap. 3, par. 35.
‡ Jus Div. Min., p. 129.

* Nat. and Gov., p. 67. † Bell. Enerv., p. 97.

must, by divine appointment, be first tried before admitted to use the office of a deacon, how much more is this required in the office of the ministry, which is far higher?"* And again they say, "No man may do the work of a deacon in the ecclesiastical state, unless called to the office, as is evident from Acts vi., where men full of the Holy Ghost and faith, chosen by the people to that work, yet might not minister till they were appointed by the apostles."† And their inference is, "Much less may any preach that is not first tried, the work of the ministry being of greater consequence." And again, they argue, "In the New Testament we read,—l. That in the very choice ofdeacons, which was but an inferior office, and serving only for the distribution of the temporal estates of the people, the apostle requires that they should not only be elected by the people, but also ordained to this office; much more," say they, "ought this to be done in the choice of persons who are called to the work of preaching and dispensing sacramental mysteries, a service, of all others, of greatest weight and worth."‡ And it is to be noticed, that in this they also argue in direct contradiction to themselves; for, in the foregoing leaf, they say, "The mediate ordinary way by which God would have all men to enter into the ministry, is by election and ordination." And then they add, "They are both of them distinctly set down in the choice of the deacons, Acts vi. 3, 5, 6." Surely by this they intend, that, as in the call of the deacons to their office, first, there was election by the multitude or people, and then ordination, so it must be in the call of gospel ministers.

Thirdly, That it is the right of church members, or of the Lord's people, to choose their pastors, and overseers of their precious souls, is evident from Acts xiv. 23, where we read of the apostles, Paul and Barnabas, ordaining them elders, or presbyters, in every church by suffrages, viz., the suffrages of the disciples, or of the members of such and such churches, whose souls they confirmed by their doctrine, exhorting them to continue in the faith. In our translation the words are only, "And when they had ordained them elders in every church." According to the original, they run thus—*καὶ ποτεναύτις ἀντιτρόπους*, which Beza renders, "Quumque ipsi per suffragia creassent per singulas ecclesias presbyteros,"—"when they had created or ordained them elders, by suffrages

or votes, in every church." And in the margin, his note for explication is, "Apostoli plantatas ecclesias," &c.—"the apostles committed such churches as they had planted to their proper pastors, whom they ordained, neither rashly, but by previous prayers and fastings, nor for reward, nor by imperious power did they impose them upon the churches, but did ordain or constitute such as were approved by the suffrages of the multitude." And as Beza, so the Tigurine Version, so Pagnius, so Flaccus Illyricus, Vatablus, Erasmus, Piscator, and many others render the word; and so, says Owen, do all our old English translations. And it was not the fault of our translators it was not so still; for, though these learned men were mostly of prelatic principles, that were chosen by King James VI. for that glorious work of translating the Scriptures, yet they were men of honesty, and translated the words to the same purpose; but they were altered afterwards, as Dr Thomas Hill, Master of Trinity College in Cambridge, and a member of the Westminster Assembly, tells us. "I have it," says he, "from certain hands, such as lived in these times, that, when the Bible had been translated by the translators appointed, the New Testament was looked over by some of the great prelates (men I could name of their persons), to bring it to speak prelatic language, and they did alter 14 places of the New Testament, to make them speak the language of the Church of England; and then he instanceth four in this book of the Acts, Acts i. 20, where we have the word bishopric instead of charge, office or inspection; Acts ii. 17, where we have hell for grave in former translations, to make it agree with the Thirty-nine Articles, into which, says he, that of Christ's descent into hell was thrust, Bishop Bilson having been of opinion, that Christ did locally descend into it; and Acts xii. 4, in which place we have Easter, whereas it is the Passover according to the original; this might be to favour their holy time of Easter, or an Easter Communion. And he instanceth in this 14th of the Acts, 23d verse, which, says he, "in the Geneva translation, was rendered, chosen by suffrages, by lifting up of hands, the word primarily importing that."* However, we have ground to bless God we have such an exact translation, though, in sundry places, a correction would be desirable. But of this is *παρ* *δῖω*, or in the by. It is evident,

* Jus Div. Min., p. 11. † Ib. p. 86. ‡ Ib. p. 158.

when the words are rendered according to the original, that the apostles, Paul and Barnabas, ordained elders or presbyters to the disciples when chosen, viz., by their suffrages, or the voice of the people. The word *χειροτονίας* is taken from the ancient custom of the Grecians, who, in their election of magistrates, used to give their suffrages by stretching out their hands. And Amesius says, "Bellarmine himself owns, that this of electing by suffrages is the only proper and native signification of the word."^{*}

This, as the former Scripture, is cited by almost all our Protestant divines, for proof of the people's right to choose the overseers of their precious souls. The judicious Calvin having put the question, "Whether a minister should be chosen by the whole church, or by his colleagues only, and the elders, *qui censuræ præsunt*, or whether he ought to be constitute by the authority of one person?" in answer, as there he gives the right of election to the whole church, so, when showing that neither Timothy nor Titus did ordain elders without the people's choice, he says, "Ne quid fingere, videar, planum id faciam simili exemplo;" and then he says, "Refert enim lucas constitutos esse per ecclesias presbyteros a Paulo et Barnaba, sed rationem et modum simul notat, quum dicit factum id esse suffragiis, *χειροτονίας*, inquit πρεσβύτερος κατ ικαληνος, creabant ergo ipsi duo, sed tota multitudo, ut mos Graecorum in electionibus erat, manibus sublati declarabat quam habere vellet."[†] videmus autem ipsum (viz., Paulum) ex populi suffragiis episcopos creare solitum."[‡] By these words he makes this a plain clear Scripture example of the people's choosing, by suffrages, their own ministers, as of the apostles ordaining of such as were chosen by them. So the renowned centuriators of Magdeburg, cited by Mr Gillespie, "Neque apostolos," &c.—"neither the apostles nor other ministers of the Church did assume this power of electing and ordaining presbyters and deacons to themselves only, but did call for the suffrages and consent of the whole church, which is manifest both from 1 Cor. i. 21, 22, and also is proven by examples."[§] And then they cite for proof, Acts i. 23, vi. 6, and xiv. 23. Turcetius cites this Scripture for that purpose: "Apostoli oppidatim constituant presbyteros per populi *χειροτονίας*, sive liberis ejusdem suffragiis," &c.—"the apostles did

constitute elders from city to city by the *χειροτονία* of the people, or by their free suffrages, the word being derived from the custom of the Grecians, who gave their suffrages by extending and stretching out their hands, and being transferred from that to all sort of elections, it signifies to create by suffrages."^{**} So the learned Professor Markus says, "Dicitur vocatio ordinaria vel extraordinaria, mediata vel immediata, atque ejus quidem originale jus est penes ecclesiam, juxta loca Acts i. 23, vi. 3, 5, and xiv. 23, et ministerii quod ecclesiae toti præstatur naturam, 2 Cor. iv. 5."[†] So Calderwood cites this Scripture, and insists at some length upon it.[‡] So Rutherford, both in his Due Right and Peaceable Plea. In his Due Right of Presbyteries, he says, "The power of patrons taketh away the ordinance of Christ and the free election of the people, because the people have power to choose out of many one fittest and most qualified for the office, as is clear, Acts vi. 3, i. 26, xiv. 23; 'because the man chosen should be one of a thousand,' as Didoclavius says."[§] So Gillespie insists upon this at large, saying, "Such men only were ordained elders by Paul and Barnabas, who were chosen and approved by the whole church, their suffrages being signified by the lifting up of their hands, Acts xiv. 23."^{||} So again he says, "Elders, both ruling and preaching, were chosen by most voices of the church, the suffrages being signified per *χειροτονίας*, that is, by lifting up, or stretching out of the hand," Acts xiv. 23.[¶] So the judicious Durham, when speaking of immediate and mediate calls, he says, "The mediate calling of the church, according to Christ's ordinance, is Christ's call, as that more immediate was, and therefore, Acts xx. 28, and elsewhere, those elders and pastors of Ephesus (who yet no question had but such a call as those that were chosen by the people, and ordained by the Presbytery, Acts xiv. 23, and 1 Tim. iv. 14) are said to be set over the flock by the Holy Ghost."^{**} From these words of his it is evident, that he looked upon the call of a minister by the church, to be Christ's ordinance; and as this call consists, according to our divines, in election and ordination, so it is evident he gives election, or the choice, unto the people, and ordination to the Presbytery. And he thinks

* Inst. Theol., par. 3, p. 255.

† Med. Theol., p. 292, chap. 33.

‡ P. 329, Alt. Dam.

§ Due Right of Presb., p. 464.

|| Against Cer., p. 280. ¶ Elect. of Past., p. 9.

** On Rev., p. 53, fol. 1, imp.

^{*} Bell. Enerv., p. 97.

[†] Instir., lib. 4, cap. 3, par. 15.

[‡] Elect. of Past., p. 16.

this 14th of the Acts and 23d verse is a solid proof thereof. Dr Owen insists at large upon this Scripture, and says, "The first constant use of it in things political or civil, and so consequently ecclesiastical, is to choose, elect, design, or create any person an officer, magistrate, or ruler, by suffrage, or common consent of those concerned." * * * As many instances of this nature may be produced, as there are reports of calling men unto magistracy by election in the Greek historians. And all the farther compositions of the word do signify to choose, confirm, or to abrogate by common suffrages. The word is but once more used in the New Testament, 2 Cor. viii. 19, where it plainly signifies election and choice of a person to an employment, *χαροτόνεις ὑπὸ τῶν ἱερεῖσιν*, he was chosen of the churches to travel with us."* Many others might be produced, and particularized to this purpose. As Principal Rule,† so Principal Forrester, who says, "The right of church members to choose their own pastors is effectually pleaded from this text."‡ So that eminent divine, Oliver Bowles, in his Pastor Evangelicus, he argues from the word *χαροτόνειν* for the church's suffrage in this affair.§

Here Cardinal Bellarmine, and sundry after him, except against this, "that the word is to be taken not for the people's election by suffrages, but for the apostles' ordination, denoting not the people's choice, but the act of Paul and Barnabas, in ordaining of elders in every church; and here they would have *χαροτόνειν* to be put for *χαροφθέσαι*, election for ordination." But as Mr Bowles says, "Then the evangelist had been a barbarian to whom he wrote, for at that time the word was not so used in any author, whether sacred or profane;" and, adds he, "nec potest in contrarium dari instantia"—"neither can there a single instance be given in the contrary. And," he says, "ordination is always expressed by another word in the apostolical writings." And he hints, "that no reason can be given why the evangelist should depart from the native signification to a tropical or figurative one;" and a great deal more he hath to this purpose.|| Owen, in answer to this objection, says, "Paul and Barnabas did preside in the whole action, helping, ordering, and disposing of the people in the discharge of their duty, as is meet to be done by some in all the like occasions; and therefore it is truly said of them, that they

appointed elders by the suffrages of the people." And farther, in answer, he says, "I have showed before out of Scripture, that when a thing is done by the whole people, it is usual to ascribe it unto him or them who were chief therein, as elsewhere the same thing is ascribed unto the whole people." And the word *χαροτόνειν* cannot be understood of the suffrages of the apostles, as some would have it. For, as say the London ministers themselves, "They being but two, there could be no place for suffrages." And after excepting against this Scripture, they say, "Something possibly may be said out of Scripture for *χαροτόνειν τοὺς λαούς*, but for *χαρεῖσθαι τοὺς λαούς* nothing can be said."* And Turretine says, "It cannot be understood of their suffrages, viz., the apostles, because the circumstances of the text hint unto us, that the body of the church did concur to that election or call." Any that incline may see large answers to this, or any thing else that hath been excepted, in the forecited writings of Bowles, Gillespie, Rule, Turretine, Amesius, his *Bellarminus Enervatus*, and sundry others that might be instanced.

Here, perhaps, some may object or except, "that this and the former texts are only examples and not precepts, and examples of the Church not yet constituted, and therefore not of force to be a standing binding rule to the churches of Christ in after ages." But for answer, I say, That apostolical practice is equivalent to Scripture precept in all things not otherwise determined. 1 Thess. i. 6, 7: there says the apostle to the commendation of the believing Thessalonians, "And ye became followers of us, and of the Lord." And again, in the 2d chapter, 14th verse, he says, "For ye, brethren, became followers of the churches of God, which in Judea are in Christ Jesus." And the Lord's commanding any thing in his people, is a virtual enjoining thereof; yea, we are expressly commanded to write after apostolical examples, as 1 Cor. iv. 16, 17: "Wherefore, I beseech you to be followers of me, μημονταί, imitators of me. And for that cause he tells, he had sent Timotheus that he might acquaint them with his example, conduct, and practice, in every church. As Christ taught the apostles in every thing relating to his kingdom, so they taught the Church practically by their example. Owen says, "The example of the apostles and Church of Christ, not otherwise determined, hath the force of an in-

* Nat. and Govern., p. 68.

† Rat. Def., pp. 193, 200. ‡ 20 Query to Prelat.
§ Pp. 12, 13. || Past. Evan., p. 12.

* Jus. Div. Minist. Anglic., p. 97.

stitution." To this purpose speak the London ministers: "The example of Christ was not only written for our imitation, but the examples of the apostles also in the primitive churches were intentionally left upon record for this end, that they might be binding patterns for us to follow, in like cases, in after ages; and in particular, this seems to be one singular ground, scope, and intention of Christ's spirit in writing the history of the Acts of the Apostles, that the apostles' acts in primitive churches might be our rules in successive churches. * * * If the Church wanted this history of the apostles, she should want that perfect direction which the Spirit intended to her."* And again they say, "1. Apostolical examples in things necessary for the good of the Church, and which have a perpetual reason and equity in them, have the force of a rule. 2. If we should not follow the examples of the apostles in those things in which they acted as ordinary elders, we should be left at uncertainties, and every man might do what seemeth good in his own eyes, which would tend to confusion, and the dissolution of the Church. 3. The apostles taught the churches to do nothing but what they had a commandment from Christ to teach them, Matt. xxviii. 20; 1 Cor. xi. 23. And in all their disciplinary institutions, which were not merely occasional, and had only a temporary reason of their institution, are to be imitated as though they were the immediate institutions of Christ."† Indeed, they are speaking for ordination, but all they say, it is equally strong for the people's election. What the apostles did with the churches when constituting of them in the primoprimitive times, is to be our rule in after ages. To say, the Church or Churches were but a constituting in the apostles' days, and therefore not to be imitated, is to reject a great part of that book of the Acts, which some have called "Evangelium Spiritus sancti"—"the Gospel of the Holy Ghost," and so one great end thereof should be lost.

Fourthly, The people's right to choose their own pastors, is evident from our Lord's command unto them to try the spirits, as 1 John iv. 1: "Believe not every spirit, but try the spirits, whether they are of God, because many false prophets are gone out into the world." And Matt. vii. 15: there he commands his people to beware of false prophets; and, he allows it in his people, not to hear the voice of hirelings or unworthy ministers, but, instead of this, to flee from them, as John x. 5. Rev. ii. 2:

* Jus. Reg., p. 13. † Jus. Div. Min., pp. 160, 161.

there it is spoken, to the commendation of the church of Ephesus, that she "could not bear them which were evil," and because she had "tried them which said they were apostles, and were not, but did lie." She tried them, and tried them so as to reject them for their unworthiness. And a right to withdraw from unsound ministers, will infer an inherent right to make choice of such as are worthy. Mr Lawder argues at length to this purpose: "Hath he given to his people an heavenly and supernatural sagacity to know his voice in his servants, and commanded them to try the spirits? then surely he hath given them a voice in the choice or election of their pastors."* So says Turretine: "Ad illum pertinet jus vocandi cuius est discernere," &c.—"the right of election belongeth to him whose it is to discern teachers from seducers, to prove sound doctrine, to distinguish the voice of Christ, the chief shepherd, from the voice of false apostles, and not to follow another, to anathematize those that preach another gospel, but that belongs to the whole Church, by virtue of the divine precept."† So Mr Bowles: "Æquum id rectumque, ut quorum est," &c.—"it is just and right, that they, to whom it belongs to try the spirits, whether of God, to beware of false prophets, and not to hearken to them, to judge of heretical doctrine, and to be assured aent the life and manners of candidates, that they be free from scandal, that their consent in calling pastors should not be neglected;" and then he cites Cardinal Cusanus, asserting, "that if the consent of the people were not to intervene, the people would be punished unjustly for the ignorance or wickedness of the minister."‡ Rutherford says, "The discerning of the spirits, and the knowing of the voice of Christ speaking in his called servants, is laid upon the flock of Christ, whose it is to elect, and not upon the patron, who may be a heathen and publican, and, as such, is no member of the church."§ Amesius says, "The Christian people are commanded to hearken to true pastors, and to flee from the false, and therefore to choose the good, and to reject the pernicious." So Principal Forrester, who says, "The judgment of discretion, the spiritual discerning and trying of the spirits, enjoined to the people of God, must, in a special manner, be allowed in this case." So Owen, Lawder, Park, and others, they argue from this topic.

* Ancient Bish. Consid., p. 326, 327.

† Instit. Theol., par. 3, p. 254.

‡ Past. Evan., p. 10. § Due Right, p. 464.

Indeed, Bellarmine objects sundry things here. He objects, that the people are not fit to judge of those that are to be pastors, or, if they were capable for this, then they would not need pastors: which are of no force; and any that please may see Amesius in answer to him. And of this afterwards.

Fifthly, That this is the people's right, appears farther from this, that in the apostles' days, when any special piece of work was to be done, if there was not a special revelation as to the persons to be employed therein, they were chosen by the whole church; as when a message was to be sent to the disciples at Antioch, Judas and Silas were chosen by the whole church, joining with the apostles and elders, Acts xv. 22: "Then pleased it the apostles and elders, with the whole church, to send chosen men of their own company, with Paul and Barnabas, namely, Judas and Silas, chief men among the brethren." Those chief men were chosen men, chosen by the whole church, rich and poor being equally concerned in the choice or election. So the brother that travelled with the apostles, whose praise was in all the churches, supposed to be Luke—2 Cor. viii. 19—he was chosen of the churches; and the brethren spoken of in the 23d verse, they are called "the messengers of the churches." Those that were called to travel in the church's affairs were chosen by them, the choice was given to them by the apostles; though they were to travel with the apostles, yet they did not seek the nomination nor election of them; and if the things which were of smaller moment were left to the people's suffrages, as Mr Bowles hints, then we have ground to think they were not neglected, but their voices asked when pastors were to be ordained for the work of the gospel among them. Calderwood says, "Potestas in eligendis ad alia munia ecclesiam in pastoribus eligendis jus habuisse indicat"—"the power the people had in choosing to other offices, shows they had the right in choosing pastors."* Paul's companion in travel, *χιρωνοδοτος ιντο των εκελησιων*, he was chosen by the suffrages of the churches, to carry their contributions for relief of the church of Jerusalem, 2 Cor. viii. 19, and then he cites Acts xv. 22. Rutherford also cites these Scriptures for this purpose; for, having asserted that the people have God's right to choose, he says, "for so the Word prescribeth;" and, on the margin, he cites Acts xv. 22, 1 Cor. xvi. 3, and viii. 19, &c.† Principal Rule

* Alt. Dam., p. 330.

† Due Right, p. 201.

also argues from those Scriptures.* And, should any except against this, that the choice, in those texts, was not to any office in the church, but only to a particular piece of work or service, I think the argument runs *a fortiori*, and bindeth the more strongly; for, had they a right to choose to such particular work, much more is it to be supposed, that they had a right to elect the overseers of their precious souls. Now, if "the judgment of solid and learned interpreters is not slightly to be regarded," as the London ministers say; then, in the mouth of many such witnesses, this point of the people's right to choose their own pastors, hath been confirmed and established; and, at the mouth of many faithful witnesses, this position is to be put to death, "that there is nothing in Scripture countenancing the right of the Christian people in the choice of their own pastors."

There are sundry other places of Scripture from which the right of the Lord's people to call their own pastors hath been pleaded, as some of the ancients pleaded from 1 Tim. iii. 2, 7, where the apostle says, "A bishop must be blameless, and of good report." Bishop Stillingfleet, in his Unreasonableness of Separation, having asserted, that the main ground of the people's interest to call their own pastors, was founded by the ancients upon this Scripture; Mr Clarkson, in answer to him, says, "This rule of the apostles was one ground upon which the people's interest in the choice of their bishops and other officers was founded, but it was not the only ground."‡ Cyprian, Chrysostome, and others, conclude it from other places of Scripture, but this might be sufficient, says he, if there were no other to found their right or power in elections; for the testimony required, was not only of their good or ill behaviour, which an heathen might give, but such as signified that they judged them fit and worthy to be, and so desired them for their officers, which is not a mere declarative testimony, but such as is elective; and this will be cleared, adds he, by the authors which the Doctor cites afterwards. Others plead for the church her right to elect, from the consideration of her being intrusted with the keys of the kingdom of heaven, Matt. xvi. 19, and xviii. 17, 18. Turretine, Amesius, Owen, and others, argue from this topic, and they think the gift of the keys takes in a liberty of election on the part of church members, as

* Rat. Def., p. 201. † Jus Div. Reg., p. 128.

‡ No Evid. for Dioces. Churches, &c., p. 46.

well as the power of ordination on the part of ministers.

Others have argued from the power and liberty which was given to the people of the Jews, even under the theocracy, to choose their own rulers and overseers, Deut. i. 13: "Take ye unto you wise men and understanding, and known among your tribes, and I will make them rulers over you." "Moses," says Mr Henry upon the place, "was not desirous to prefer his own creatures, or such as should underhand have a dependence upon him, for he leaves it to the people to choose their judges. 'Take ye wise men that are known to be so among your tribes, and I will make them rulers.' Thus the apostles directed the multitude to choose overseers of the poor, and then they ordained them, Acts vi. 3." Owen says, "Under the Old Testament there were three ways wherein men were called unto office in the church. 1. They were so extraordinarily and immediately by God himself; so Aaron to the priesthood, and others afterwards, as Samuel to be prophet. 2. By a law of carnal generation; so all the priests of the posterity of Aaron succeeded into the office of the priesthood without any other call. 3. By the choice of the people, which was the call of all the ordinary elders and rulers of the church;" and then, for proof of that, he cites this Deut. i. 13, "take to yourselves, *date vobis*, give to yourselves, choose or present;" and then he says, "that first way of calling is ceased in the apostles and evangelists, the second was utterly abolished, so that the third way only remains for the ordinary continuation of the church, namely, by the choice and election of the church itself, with solemn separation and dedication by the officers, extraordinary or ordinary."^{*} And the London ministers say, "That place of Scripture clearly describes unto us the nature of election," viz., of ministers.[†]

And sundry have argued from that marriage-like relation which is between a pastor and people. Principal Forrester says, "The people's right to call their pastors is rationally, and in divine reason, pleaded from that near and marriage-like relation which is between the pastor and flock."[‡] Is not the bride to have her choice as well as the bridegroom? and though father and mother, and all concerned, consent, there can be no match unless the bride consent also.

They also argue from the necessity there is of the people's choice and consent, in

* Nat. and Gov., p. 61. † Jus Div. Min., p. 135.
 ‡ Append., p. 262.

order to fix the pastoral relation. The Rev. Principal Rule, who was employed by the Church of Scotland to write in her vindication from such aspersions as were cast upon her by a slanderous pamphlet, entitled, *The Case of the Afflicted Clergy*, when speaking of some of the Episcopal clergy which were ejected at the Revolution, says, "There was never a relation of pastor and people between them and those flocks, they, viz. the people, having never consented to such a relation,"^{*} by which he clearly intimates there can be no pastoral relation fixed between a minister and people, unless the people consent unto it; and I take this to be the received opinion of Protestant divines, if it be not such as are of prelatic principles. Amesius says, "Voluntaria illa relatio," &c.—"that voluntary relation which is between a minister and a church, cannot have another foundation than voluntary election; a free church, while her liberty is safe, cannot be subjected to any but by free election."[†] So the London ministers, who say, "The people's suffrages make a person their minister, not a minister's."[‡] they assert this again and again. So Rutherford, so Apolloii, so Dr Owen,[§] and others. The Synod of Fife made an act, of the date September 28, 1716, in which the Synod recommends to all Presbyteries within their bounds, that they have a special care not to plant a minister in any congregation, until they have the desire and choice of at least the generality of the people made known unto them, "as being the proper ground for founding the pastoral relation." And I know the Presbytery of Kirkaldy entered into a written resolve, a little after the last act in favours of patronages, in which resolve anent the settlement of ministers, it is affirmed, "that the relation of pastor and people is founded upon the election, choice, and consent of the people." How that act and this resolve may be observed, I am not to account for; and whatever some may talk now, if I be not far mistaken, there was not a Synod nor Presbytery in Scotland, at that time, but was ready to declare the pastoral relation in Christian congregations is founded upon the call and consent of the people. Shall people have the free choice of such as are to dress the food of their bodies, and no choice in such as are to prepare the food of their souls? Shall they have the free choice of such as are to be their law-

* P. 12. † De Conscien., p. 322.
 ‡ Jus Div. Min., p. 4.
 § Nature and Govern., p. 76.

vers and advocates to plead for them before men, and no choice of such as are to be their mouth unto God, as his mouth unto them? Shall they have liberty to choose physicians for their bodies, and no

choice of physicians for their souls? And such as please, may see sundry reasons confirming this in Bowles' Pastor Evangelicus.* And so much for the second head.

CHAPTER III.

I COME now to the third general head, and that was, to touch at, or to show briefly, what were the sentiments of the ancients as to this of the people's *jus*, right, or power to elect their own pastors; and that this was their right in the opinion of the ancients, fathers, and primitive Christians, at least that this was a privilege granted unto them in the primitive times, is generally owned; and therefore I shall not insist at any length upon this. I am of opinion, that all human quotations, though from the most eminent of the fathers or ancients, are but as so many cyphers standing for much or nothing, as they are placed in an account. A thousand quotations from the fathers are but as a cypher placed first in the account, which stands for nothing, if there be not a Scripture before it; and I look on it as signifying much, if first there be a plain Scripture before it, confirming the position; yea, though that Scripture should not seem so clear, yet if it may fairly admit of such a sense, and there be no other place of Scripture opposite to that sense of the Word, then I think antiquity, the practice of the ancients, and citations from fathers of the church next to the days of the apostles, or in the first three centuries, is of considerable weight, and a strong presumption that such is the sense thereof, or that such was apostolic practice, and of divine institution. The country scholar, in vindication of Nonconformists from the abuses of Durell and Scrivener, was to be justified for his resolution, when he said, "I am resolved to study Scripture with care and conscience, and on that to build my faith."** And if these doctrines, that I have good assurance be grounded on Scripture, be charged with novelty and singularity, then shall I rejoice if I can find the fathers consenting with me. Other good ends I can propound to myself in reading the fathers, but the main end I aim at, is to stop the mouth of gainsayers, especially those who glory in antiquity, and make consent of fathers their rule. I will not reject any truth because it is but newly discovered, nor yet embrace

any error because it is of long continuance; or, because some great or good man had the ill hap to be the first author of it. I will judge from Scripture what is truth, and unto what degree any truth is necessary; but when I have found any opinion to be contrary to Scripture, I shall be the more confident that I was not mistaken in accounting the opinion erroneous, when I have found it condemned as such by many, or all the fathers that speak of it."* And as Lord Verulam said, "Antiquity, or the opinion of the fathers without truth, is but a mouldy error;" or it is like "a bank of sand to build our salvation upon," as the Bishop of Hereford said. However, in this, and also in other points in controversy between us and Romanists, as also between us and Protestant Prelatists, we need neither decline the judgment nor practice of the primitive Christians, nor fathers of the church; and therefore it was undoubtedly a wholesome advice for their interest, which Lord Digby, a hearty friend of theirs, is said to have given unto Sir Kenelm Digby, in a letter full of excellent learning: "He that would reduce the church now to the form of government in the most primitive times, should not take, in my opinion, the best nor wisest course, I am sure not the safest, for he would be found pecking toward the Presbytery of Scotland, which, for my part, I believe, in point of government, hath a greater resemblance than either yours or ours to the first ages of Christ's Church, and yet is never a whit the better for it,"† &c. This lord was zealous for monarchical Episcopacy.

Now, for proof of this, namely, that it was the judgment of the fathers and primitive Christians, might be confirmed by citing a vast many councils and fathers, would it not be tedious, and to little purpose, seeing it is generally owned by opposites on this head. The testimony of that eminent father and martyr Cyprian, bishop or pastor of Carthage, as it is not our so it is plain, clear, and full to this pur-

* P. 163.

† Jus Div. Min., p. Anglican, Append., p. 107.

pose, particularly in his 68th epistle, where he says, "Propter quod plebs obsequens praeceptis dominicis, et deum metuens, a peccatore proposito separare," &c.—"for which cause, a people obedient to the divine precepts, and fearing God, ought to separate themselves from a guilty overseer, and not to join with the sacrifices of a sacrilegious priest, forasmuch as they themselves especially have the power, either of choosing worthy priests, or of rejecting the unworthy; which privilege we see descends by divine authority, that a priest should be chosen in presence of the people, under the view of all, and that he should be approved as worthy and meet by common judgment and testimony," &c. That epistle was written in answer to some people of Spain, who had written, desiring to know how to carry, in case the bishops of their province, through the instigation of the bishop of Rome, should impose a pastor upon them; and what he wrote was not barely his private judgment, but the determination of an African Synod, in whose name the epistle was written to the people in Spain; and, in the epistle, he asserts, that the people principally, the people chiefly have the right and power to elect worthy priests or pastors, and to reject the unworthy; and he not only asserts, that it was their right, but their right by divine appointment, a right by divine authority, a better right than any human law or ecclesiastical canon could give unto them; and, for proof of this, he cites Acts i. and vi., proving the people's right from the hand they had in the election of Matthias, and of the deacons; and in that epistle he affirms, it would be the people's sin, if they should join in communion with an unworthy priest or minister; and he affirms, this right had descended by divine authority, by which he intimates, that it had been the practice of the churches of Christ, since the apostles' days; and he asserts it was not only the practice of the churches of Africa, but of those in most of the other provinces, that bishops or pastors were chosen by the whole brotherhood. And what that African Synod determined and ordered in the affair, was surely the result of mature deliberation, for they knew Basilides had a party to espouse his quarrel against Sabinus, and likely a very strong party, the bishop of Rome having taken him by the hand. Here many councils might be cited, asserting the people's right to choose their own pastors, as the councils of Nice, of Constantinople, Carthage, Chalcedon, Laodicea, and many others, in some of which, the want of popular election was held to make a minister's

ordination void. And the truly ancient, though only pretended apostolical constitutions, ordained that bishops be chosen by all the people. And here many of the ancients, or fathers of the church, might be cited, as Clemens, the first post-apostolic writer, who lived in the apostles' days, in an epistle to the Corinthians, testifieth, that the apostles themselves appointed approved persons to the office of the ministry, *ονδεσσων; της ιερατειας; ταυτης*, by or with the consent of the whole church, as Dr Owen renders the words, so Ignatius, Tertullian, Origen, Ambrose, Chrysostome, Gregory the Great, and many others. The learned Turretine says, "Communi quasi voce, antiquitas judicavit omnes illas electiones irritas, que *εν λαος συνεισ*, id est, ut verit Cyriacus, sine populi conscientia et assensu facte erant," —"antiquity judged, as it were, in one voice, that all such elections were void as wanted the conscience and consent of the people." Principal Rule says, "Nothing of church order is more clearly, and frequently, and unanimously in the writings of the ancients, and did longer continue untaken away, even in the degenerate ages of the church, than the people's choosing of their pastors."† And he thinks the obtruding of pastors upon the people, without their choice and consent, may be reckoned among the "novelties of Popery." That learned and ingenious gentleman, Sir Peter King, after a narrow search into the constitution, discipline, unity, and worship of the primitive church, during the first three centuries after Christ, says, "When the bishop of a church was dead, all the people of that church met together in one place to choose a new bishop;" and afterwards he says, "Now the manner of electing a bishop (to wit, during the first three centuries) I find to be thus: When a parish or bishoprick was vacant, through the death of the incumbent, all the members of that parish, both clergy and laity, they met together in the church, commonly to choose a fit person for his successor, to whom they might commit the care and government of that church."‡ And he gives sundry instances of such popular elections, as of Sabinus to Emerita, which, says he, was by all the brotherhood. So of Fabianus, who, he says, was chosen to be bishop of Rome by all the brethren who were met together in one place for that very end. So, after his death, he instanceth in the election of Cornelius to Rome; and so in Alexander, of whom he says, "that when he was

* Instit. Theol., par. 3, p. 257. † Rat. Def., p. 201.
‡ Inq. into Cons., pp. 22, 45.

chosen to be bishop of Jerusalem, it was by the choice of the members of that church ;" and so he instanceth in the election of Cyprian to the diocese of Carthage, " who was chosen by its inhabitants and members, as Cyprian acknowledges ; who frequently owns he was promoted to that honourable charge by the sufferings of the people." Now this gentleman's unbiassedness, candour, and ingenuity is such, that if, in all the first three centuries, after his diligent inquiry, he had but found one single instance that seemed to condemn popular elections, or to countenance calls, by heritors, magistrates, town-council, bishops, or any church-officers exclusive of the people, it had been recorded by him. In the primitive times, the people were called the *sacra plebs*, and not the populace, by way of contempt. Then the privilege of election was given to them. This is acknowledged by Bishop Bilson, who was no more friendly to the people in this affair than Bellarmine himself. Mr Clarkson cites him, saying, " The fullest words that the Greek authors use for all the parts of election, as, to propose, to name, to choose, to decree, are, in the stories ecclesiastical, applied to the people ;" and afterwards thus, — " so that, in the primitive church, the people did propose, name, elect and decree, as well as the clergy ; and though the presbyters had more skill to judge, yet the people had as much right to choose their pastor, and if the most part of them did agree, they did carry it from the clergy." * Azorius the Jesuit owns this. Amesius cites him, saying, " Negari non posse ritum esse, ab apostolis, servatum, quo ministros ecclesiae preficiebant populi testimonio approbatos, Acts i., vi., xiii., and xiv., quem ritum et formulam ecclesia diu servavit, quia apostolorum exemplum sequi voluit" * * * Canones sancivit, ne ecclesiarum praefecti eligerentur sine populi suffragio, aut saltem testimonio, assensu, petitione, nominatione, vel approbatione * * * in Africa, Græcia, Gallia, et ubique fuisse observatum ac durasse, usque ad tempus Caroli Magni, et ultra." + The Popish fathers, at the Council of Trent, for as corrupt as they were, owned this, and sundry of them would had elections brought back to the primitive practice ; upon which Diego Lainez, one of those fathers stood up, and said, " It was a motion from the devil to offer to reduce elections to the ancient course," and pleaded, " that it ought to be suppressed, because it was the ancient

* No Evid. for Dioces. Churches, &c., p. 53.

+ Bell. Enerv., par. 2, p. 91.

custom ; for if the church had not found it inconvenient, she would never have quit it." So we see prelatists, on both sides, can argue against, and reject antiquity, if they see it clearly against them, as is owned by many others of themselves, it is the case here. Pamelius owns this, Rigaltius owns this, Cardinal Cusanus owns this ; and that learned historian, Du Pin, in his Abridgment of the Discipline in the Third Century, says, " After the death of those who had been ordained by the apostles, the people elected." This is no new doctrine—no. Dr Blondel, say the London ministers, that great antiquary, undertakes it, in a very long discourse, to make it out, that, for 1200 years, the people had free liberty in the choice of their bishops ; he proves it, say they, by undoubted authors in all the several countries,* &c. I remember it was yielded at the last Assembly, by such as argued against the people's right in the affair, that the primitive Christians had this privilege ; but, said they, that says nothing for their right now, that being only granted to them, because then they were every day in danger of suffering to death for owning Christ and his ways, and ready to lay down their lives for him. But, for answer, 1. I say, this is much like Bellarmine's exception, who says, " It was by concession from Peter that the people elected in the apostles' days, if they elected at all ;" and he says, " it was so, if they elected in the primitive times ;" and, on as good ground may prelatists say, it was by concession, if presbyters had any power in government in those times. And so Lord Digby, in his foreclosed letter, where he says, " Presbyter, in the first ages of Christ's Church, was a form not chosen for the best, but imposed by adversity, under oppression, which, in the beginning, forced the church from what it wished, to what it might. And may it not be said, on as good ground, it was purely by concession the people had the cup in the sacrament formerly, and so of all church privileges ? But, 2. I say persecution was not universally feared till Nero's days, who began to reign in the 57th year of our Lord, and not in the beginning of his reign either ; for, if I rightly remember, I have somewhere read, that at first he pretended great humanity, and used to have this expression, when he came to sign any writ for execution, " Utinam nescirem literas," or, I wish I could not write. But, 3. The primitive Christians, their being such heroic tender souls, as to choose spoiling of goods,

* Jus Div. Min. Anglic., p. 174.

and burning at stakes for Christ, rather than comply in the least with sinful impositions; their being so tender as to choose to be burnt to ashes, rather than be *Tra-ditores*, or give their Bibles to the flames, or so much as a leaf of clean paper in lieu of them; their being so tender as to choose death, and cruel tortures, rather than contribute one single halfpenny to the building of an idol's temple;—I say, can we dream such tender souls could seek, assume, or accept of a privilege which was not their due, a privilege that Christ had not granted them? Were they so fond of privileges upon earth, and this, when looking they might appear the next day before their Judge to give their account? 4. I say, as they were martyrs in resolution, such ought all to be, in the judgment of charity, as are admitted to this privilege. None, such as are like that French king, who said he resolved never to embark farther in religion, than he might safely retreat upon a storm, have any right to such a privilege, be their wealth in the world what it will, more than a right to a communion table. 5. Here it may be asked,

if heritors, magistrates and town-councillors be more ready now to die for Christ than the people, if a day of trial should come, as we know not how soon, and we have ground to wonder it hath been silence in our heaven for such a large half-hour. It is to be feared—it is evident to a demonstration, men of sense and parts are hard put to it when they use such arguments, but this is *ostium causæ*. Weakness cleaves to the ablest wits, when attempting the defence of that which will not justify. Here we are to “ask for the good old paths, and to walk in them, that we may find rest to our souls, Jer. vi. 16. However, after all, it becomes every Christian to say, with Ignatius, “Jesus Christ is my antiquity;” and we are not so much to look for antiquity of custom, since the apostles' days, as for antiquity of institution; and neither the practice nor sayings of the fathers are to be regarded, if contrary to the law and testimony; and many times “he is a witty child that can know his father's face, after so many scratches as have been made upon it by Romish monks, for their selfish ends.”

CHAPTER IV.

I PROCEEDED now, in the *Fourth* place, to show what hath been the sentiment of Reformed Churches and Protestant divines since the Reformation. And,

1. To begin with the Belgic churches in the United Provinces: their sentiment cannot be better known than from their own Confession, where it is said, “Credimus ministros divini verbi, seniores et diaconos, ad functiones suas legitima ecclesiæ electione, cum nominis divini invocatione, eoque ordine qui verbo Dei docetur, eligi debere,” —“we believe ministers of God's Word, elders and deacons, ought to be chosen to their functions by lawful election of the church, with invocation of the name of God, and in that order which is taught in the Word of God.”* There, election of ministers, elders, and deacons is given to the church, and there it is asserted, the Word of God prescribeth the order in which they are to be chosen; and thereby it is intimated to us, that it is only the church's election that is the lawful election of such church-officers. The church is a word of various signification; but I think the learned and chief Professor of Divinity in the University of Groningen, Maresius, was as capable as many to tell us their

meaning of it here; and in his *Exegesis*, or *Explication* of that Confession, dedicated to their High Mightinesses and Lords of the States General, and to all the reverend, learned, and vigilant pastors, and rectors of the churches in the United Provinces, in explication of this article he says, “Pres-sius debet attendi,” &c.—“here it ought to be more closely considered what we are put in mind of by our Confession, viz., That lawful election of pastors pertaineth to the church, for that assertion is opposed to the common sentence of Romanists, whose thesis it is, that the election of ministers of the church doth not belong by divine right to all the people, nor doth it depend upon their consent and suffrage.”* And after citing Becanus, Tirinus and Bellarmine, as having this thesis or position, pretending that all right of election belongs to the Roman pontiff, and having also shown why Romanists move that controversy with Protestants, and shown how Cyprian, and a Synod of Bishops with him, were for the people's right, he says, “Et æquum est ab omnibus eligi qui omnibus præesse debet,” —“it is equitable or just that he should be chosen by all, who is, or ought to have, the charge of all.” This Confession used

* Art. 31.

* P. 450.

to be read and signed in all the National Assembly of the Belgic Churches at every Synod, and it was unanimously signed by the famous Synod of Dort.* This Confession was also signed by the Twelfth National Synod of the Church of France, in the year 1583, held at Vitre. Farther, the sentiment of the Belgic Churches, at least of the Churches of Christ in Zealand, one of these United Provinces, may be learned from what that great man, Apollonii, wrote to the Synod at London, 1644, when condemning the principle, that ordination by ministers is not essential to a minister's call, or that the bare election of the people is enough to make one a minister of the gospel. He says, "We grant, indeed (as we said before), that there is a liberty of nomination or election allowed by the Word of God to all the members in a church, so, as no minister may, without the agreement and consent of the people, be obtruded upon a church, whether they will or no; which nomination or election doth not yet confer ministerial power on the person elected, but only designeth a person on whom it may be duly derived, according to the instituted rules by those who have, under Christ, received that power, whereby ecclesiastical authority is derived on this or that person."† And what he wrote to them, he tells it was written in the name, by the command, and at the appointment of the Wallachian Churches, or Churches of Christ in Zealand. There, it is plain, the Churches of Christ in Zealand thought there is a liberty of nomination or election allowed, and allowed by the Word of God to all the members in a church; they thought there is Scripture for the right of a Christian people to call their own pastor. And this was no new doctrine to them; for, in 1581, the Synod of Middleburg decreed, "That the election of ministers should be in the power of the church, and that it should be by suffrages publicly in the temple."

2. As for the judgment of the once famous and flourishing Church of France, in which, notwithstanding of the rage and bloody cruelty of enemies in the National Assembly at Rochelle, 1571, where Beza presided, the reformed could count above 2150 churches, and in many of these above 10,000 members, and the most of these had two ministers, in some they had five, as in the Church of Orleans in 1561, which at that time had 7000 communicants: three of their five ministers were lords.‡ But

* Maresius in Confes. Belgic, p. 5, 11. † P. 57.
‡ Quick's Synod., p. 39.

for the sentiments of that Church, as to the persons having a right to call the office-bearers in Christ's house, I see nothing in their Confession of Faith from which their sentiments can be gathered; but I think it may be learned from their Discipline, chap. i, canon 6. The words, when treating of the election of ministers, are, "He whose election shall be declared unto the church, shall preach publicly the Word of God on three several Sabbaths * * * in the audience of the whole congregation, so that they may know his manner of teaching. And the said auditory shall be expressly charged, that if any one of them do know any impediment, for which his ordination, who shall be then mentioned by his name, may not be completed, or why he may not be accepted, that they do then come and give notice of it unto the Consistory, which shall patiently hear the reasons of both parties, that so they may proceed to judgment. The people's silence shall be taken for a full consent; but in case contention shall arise, and the aforesigned elect be pleasing to the Consistory, but not unto the people, or to the major part of them, his reception shall be deferred, and the whole shall be remitted unto the Colloquy, or Provincial Synod, which shall take cognizance both of the justification of the aforesigned elect minister, and of his reception. And although the said elect should be then and there justified, yet shall he not be given as pastor unto that people against their will, nor to the discontentment of the greatest part of them." Who are the callers is not told us here, but be who they will, by this act the people have a fair negative over them; for though they can make nothing good against the person elected, he is not to be given unto them against their will, nor to the discontent of the greatest or largest part of them. But though who are to be the callers is not so clear by this canon, yet it is evident from an act in their second National Synod, that they gave the nomination or election to the consistory of the vacant church, two or three ministers joining with them, as I apprehend, to moderate the election. And by the consistory—the session—consisting of elders and deacons—is meant, as is evident from the second canon of the fifth chapter of their Discipline. And if I be not mistaken, there is neither Scripture nor reason why elders should have a voice in elections more than church-deacons; for the election of a minister is no act of government, as hath been said above. Indeed, this Church after

this seems to have been a little in the dark as to duty here; for, in their fourth National Synod, among the memorials drawn up in that Synod for the service of the Church, it is said, "Our brethren, the pastors of Geneva, shall be entreated to write us their judgment about some principal points of church discipline, as about elections of church-officers, and the sentence of excommunication; and to send copies of this their judgment unto the Church of Lyons, which is ordered to distribute them, that so the deputies may come prepared with well-digested thoughts to the next National Synod about those articles." But whether the pastors of Geneva were written to, or whether they returned answer, I know not, for there is no account neither in the next, nor any subsequent Synod that I see.

3. The famous Churches of Christ in Helvetia or Switzerland have been of this judgment, viz., that it is the right of the Church of Christ, or of his people, to choose their own pastors, as is evident from their Confession of Faith, both first and last. In their first Confession, composed at Basil in the year of our Lord 1536, when speaking of election to the function or office of the ministry, it is said, "Quae cum vera dei electio sit ecclesiae suffragio et manuum sacerdotis impositione, recte, comprobatur"—"which, when it is God's true election, or that election which God requires, it is approved by the suffrage of the church, and laying on of the minister's hands."* And in their second Confession of Faith, which was agreed to, and subscribed, in 1566, by all the Protestant ministers in Helvetia, as Zurich, Bern, Glaris, Basil, Schaffhausen, Appenzel, St Gall, Mulhausen, Geneva, &c., it is said, "Vocentur et eligantur electione ecclesiastica et legitima ministri ecclesiae, id est," &c.—"let the ministers of the church be called and chosen by lawful and ecclesiastical election, that is, let them be chosen religiously by the church, or by such as are deputed by the church for that effect, in the just order, and without tumult, seditions and contention, * * * and those that are chosen, let them be ordained by the elders, with public prayers, and imposition of hands."† In both these Confessions, election is given to the Church of Christ, no power given to magistrates, heritors, counsellors, or patrons, above others, and the church is not to be taken in a restricted sense for the church representative, no, but for that church whereof

* Art. 17.

† Cap. 18, pars. 8, 9.

the pastors of the flock are ministers, as it is taken through those Confessions. Indeed, the second Confession leaves it either to the church herself, or, if she pleased, to some deputed by her, to elect ministers of the gospel, but thereby the right of election is originally given to the church, else she could not depute others to choose for her, and thereby she hath a negative; for such as are deputed, must account unto those by whom they are deputed. There the power of election is given to that church, which, they say, may depute, and I apprehend, no body ever dreamed of the church representatives deputing the people to choose for them. There, as ordination of such as are elected is given to the seniores or presbyters, so, by both those Confessions, the election of pastors is given to the church, without the least hint of giving this unto the eldership, or to any of higher rank or station in the church, or in the world. This later Confession of Helvetia was received by the Church of Scotland, and approved by her in all things, except as to the observation of some holidays.* And from this Confession we may learn the judgment of many other Protestant Churches upon this head, as of the Churches of Christ in Geneva, in Savoy, in Poland, and in Hungary; for it was received, approved, and subscribed by them, as well as by the Church of Scotland.† And I hope there is none in the Church of Scotland that will say with the dean of Edinburgh, in the pulpit of St Giles' Church, neither as to this, nor other points in controversy with high Church, "Before Geneva have it, Rome shall."

4. The Churches of Christ in Saxony were of this judgment, as appears from their Confession of Faith, drawn up in the Synod of Wittemberg, and subscribed by all the pastors of the Churches of Christ in Saxony, in 1551. In the penult section *de ecclesia*, or of the church, when speaking of Christ the Son of God, his giving to his church ministers of the gospel, that she might not perish, calling some of them immediately by himself, as prophets and apostles, and some of them meditately by men, it is said, "Nam et ecclesia electionem adprobat, et immensa bonitate efficax est, etiam sonante evangelio per electos suffragis, aut nomine ecclesiae"—"for he much approves election by the church, and through his immense goodness it is efficacious, the gospel also sounding forth by such as are chosen with

* Cald. Hist., p. 41.

† Cald. Hist., p. 42; so also Preface to that Confession in the Harmony of Confessions.

the suffrages, or in the name of the church." It is evident from those words, that they judged it is the right of the Lord's people in his church to elect their pastors, and that it is well pleasing to him when the election of pastors is given to his church. And it is evident to any that considers the sense in which the church is taken in that article, they mean not the church representative, whether elders or pastors, but that church whereof Christ's ambassadors are ministers, pastors, or shepherds, without distinguishing one part of the church from another.

5. The once famous and flourishing Churches of Christ in Bohemia are plain to this purpose, as is evident from their Confession of Faith, which is also called the Confession of the Waldenses, and was approved by Luther and Melanthon, and the University of Wittemberg, in 1532, and, after that, by all the free barons and nobles of the kingdom of Bohemia. In the first paragraph of the ninth article of that Confession, it is said, "Docent ministros ecclesiae, quibus administratio verbi et sacramentorum demandatur, rite institutos esse oportere, ex domini et apostolorum prescripto, utque ad hoc munus obendum vocentur ex plebe pia et fideli, viri pleni fide et inculpati, donaque habentes ad hoc ministerium necessaria"—"they teach (viz., the Bohemians or Waldenses), that ministers of the church, to whom the administration of word and sacraments is committed, ought to be rightly instituted, according to the prescript of the Lord and apostles, and that they should be called to the exercise of that office by the people that are godly and believing, being men full of faith, and blameless, having gifts that are necessary for that office." There the call or election of ministers is given to the people, not the people in general, but the people that are godly and believing, and this is said to be according to the prescript, order, or rule, of Christ and his apostles; and those free barons and nobles of Bohemia were far from asking more for themselves, than people of an inferior rank, as to this ecclesiastical privilege. And, as downward in that paragraph, they give ordination by imposition of hands to the seniores or presbyters, so here they give election to the people. Those were the renowned followers of the Waldenses and John Huss, and their Confession is said to be constitute "ex confessionibus longe antiquoribus"—"it was taken out of confessions of a much older date." The Reformation was begun in Bohemia by John Huss and Jerome of Prague, and converts

were numerous there long before the days of Luther or Calvin. And this was also the confession of Protestants in the Marquisate of Moravia.

6. But now for the sentiment of the Church of England: as for the judgment of the Established Church, it is hard to tell. In her twenty-third article of religion she says, "It is not lawful for any man to take upon him the office of public preaching, or ministering the sacraments in the congregation, before he be lawfully called and sent to execute the same, and those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given unto them in the congregation, to call and send ministers to the Lord's vineyard." Here she seems to judge a call to a particular congregation needful, and a call from some in the congregation before he can lawfully preach in public, and administer the sacraments in the congregation, but what she means by men having public authority given them in the congregation to call and send ministers to the Lord's vineyard, he is wiser than I that can tell.

As for those eminent divines which met at Westminster, 1643, &c., though they did not so positively determine as to this point, yet it is evident, from their propositions ament the ordination of ministers, that they allowed the people might nominate the person to be ordained; and also, they gave them a negative in the affair over all else; for, once and again, they say, "No man is to be ordained a minister for a particular congregation, if they of that congregation can show just cause of exception against him," citing 1 Tim. iii. 2; Tit. i. 7; and surely they thought a people's not being edified by the candidate's gift, was just cause of exception; for, in their Directory for Ordination, it is appointed, "That he be sent to the church where he is to serve, there to preach three several days, and to converse with the people, that they may have trial of his gifts for their edification." The expression of trying his gifts for their edification, says so much; they are far from obliging the people to except against his orthodoxy or morals. They judged the people's consent was necessary to a minister's call, and that no ordination was to be unless they declared their willingness to receive and acknowledge him as the minister of Christ, and to obey and submit to him, as having rule over them in the Lord; without which promise and engagement they judged ministers were not to proceed to ordination, as is evident by their rules

laid down anent the edict; and for procedure at the day of ordination, they were far from saying, as some ministers among us have done, viz., "That they knew not what people had to do with the election of ministers." And, as in their Directory anent the Solemnization of Marriage, they say, "Parents ought not to force their children to marry, without their free consent, nor deny their own consent without just cause;" so they were far from thinking people might be forced into that marriage-like relation which is between pastor and people, against their will, or without their free consent.

But now for the sentiments of Dissenters; and whether to call the Westminster divines Dissenters I know not, in regard, it is said, they were all such as formerly had conformed, if it was not eight or nine, and our Scots Commissioners.* But as for Dissenters from the Established Church, since the happy Revolution, their sentiments, I mean, of Presbyterians and Independents, is declared in that known Syncretism or Agreement made up between the ministers of these denominations in and about the city of London, March 6, 1690; at which time it was agreed to bury in the grave of oblivion those names of distinction, viz., of Presbyterian and Independent, agreeing they should from that time be designed United Brethren. In their heads of agreement anent the churches and church members, 6th par., they assert, "That each particular church hath right to choose their own officers." And in their heads of agreement as to the ministry, 3d par., it is agreed, "That ordinarily none shall be ordained to the work of the ministry, but such as are called and chosen thereunto by a particular church." And having, in the 4th par., anent the ministry, declared, "That they judged it ordinarily requisite, that in so great and weighty a matter as the calling and choosing a pastor, that every such church should consult and advise with the pastors of neighbouring congregations;" in the 5th par., "We agree," say they, "that after such advice, the person consulted about being chosen by the brotherhood of that particular church over which he is to be set, and he accepting, be duly ordained and set apart to his office." Now it is evident from these positions, that they judged it was the right of the people, the right of the brotherhood, in every particular church to elect their own pastor. And this was not only the sentiment of the Dissenters in and about London, but also

of other Dissenters through the kingdom of England. Their example was so taking and leading to other dissenting ministers in England, that they went into the same heads of agreement.* And this was no change of principle in Presbyterians from what they owned before; for if that great man of God, Dr Owen, had judgment enough to take up, and honesty enough to narrate their principles, then this was their sentiment formerly; for, in his answer to Dr Stillingfleet's Unreasonableness of Separation, printed 1681, as he calls it "a principle of the Reformation that the people have liberty to choose their own pastors," so he says, "There is no difference, that I know of, between Presbyterians and those whom he calls Independents, about particular churches, for the Presbyterians allow them their right unto the choice of their own officers."[†]

As to the judgment of the Church of Ireland, the Established Church is known to be the same with that of England, and the Protestant Nonconformists there are the same in principle with the Dissenters in England. I never saw any acts of their general Synods anent this, nor have I any of their particular writers by me that touches this point but two, and both in answer to the Bishop of Derry. The first is the Rev. Mr Joseph Boyse, who is very pointed upon this head. The Bishop of Derry having requested several things from the dissenting ministers of Derry, in order to facilitate an accommodation, he, in answer, puts up so many counter requests to the conforming ministers of greatest authority in that diocese in order thereto. And in name of his dissenting brethren, the eleventh request is, "That they would also earnestly entreat their conforming brethren to use their endeavours to restore to their people that right of choosing their own ministers, which the canons of so many councils, celebrated in the purest ages of Christianity, have so fully and frequently confirmed to them; at least, we would desire, that some effectual provision may be made against pastors being imposed on them without their own consent. For we would not, in this request, intrench on the power of patrons any farther, than to desire it may be rendered consistent with this undoubted privilege and right of the people, which no human law can justly deprive them of. For, since the people have souls, whose welfare so greatly depends on the helps

* Quick's Synod., vol. ii., p. 467; so Flavel's Life, towards the close.

[†] Inquiry into the Original Nature, &c., pp. 295, 346.

and advantages that a judicious and serious ministry does furnish them with to promote it, it is most reasonable that their votes and suffrage should be allowed in the choice of the person to whose pastoral care they intrust the conduct of them. If it would be a very unjust thing to impose physicians, lawyers, and tutors, on others, where far lesser interests are concerned, how much more unjust were it, for the people to have their salvation so far put into the patron's hands, as to be obliged to acquiesce in whomsoever they present, though the choice be never so apparently prejudicial to their eternal interests? A negative voice is the least that can, in this case, be allowed to the people, unless the patron that presents were to be responsible for their souls at the day of judgment, or could secure them from all the pernicious effects that an ill choice is attended with, to their irreparable loss and detriment."* And in that book, when speaking of diocesan bishops, he says, " Whose very office Christ never instituted, and whose pretended relation to their diocese is not founded on the people's consent unto it."† And what he wrote in that book was not his private sentiment only, but also the judgment of his Presbytery, for what he wrote was reviewed and approved by the whole of them. There we see they were clear, that it is the right of the people to choose their own pastors, their undoubted right and privilege, which no human law can justly deprive them of. They thought they had the law of God for this,—they thought it reasonable their votes and suffrages should be allowed, and a negative voice the very least that could be granted unto them.

The second Irish writer is the author of that little book entitled, "A Modest Apology, occasioned by the importunity of the Bishop of Derry." The author designs himself a minister of the gospel, and says, he wrote at the desire of some Presbyterian Dissenters—whether the Rev. Mr Macrakern, as some assert, I know not. In the fifth exception against joining with the Established Church, which is—their express requiring the reordination of their ministers, the author says, " Our ministers are elected and ordained according to the rules of Scripture, the people electing, and a presbytery ordaining. It were good if you were able to say as much for yourselves."‡ " It is a great discouragement," says he, " to be of your communion, that your ministers enter not their charge by the election and call of the people, being their

privilege, by Scripture pattern, to choose church-officers, as Acts vi., the which privilege was allowed and continued for several centuries in the primitive times. Cyprian presseth it with great vigour, and, as we heard from him already, that a bishop or pastor was to be elected in the sight of the people, and by the suffrages of the whole fraternity. It is thought unreasonable that a man should be constrained to trust the health of his body to a physician of whom he has no knowledge, whether he be either skilful or faithful, when he may have others, of whose judgment and fidelity he approveth; how much less should men be forced to trust the charge of their souls to men whom they know not, approve not nor ever consented unto, or desired to be their ministers? Yet they must take him who is appointed, whether they will or not, or want, if it were to their lives' end; they shall have no liberty to elect another."* There it is asserted, it is the Scripture rule, and Scripture pattern, that people choose their own pastors; and there you see, Dissenters in Ireland have reckoned it a discouragement to join in communion with such as give not the people their free choice. And Stillingfleet complained of some Dissenters in England, who made this a ground of separation from the Established Church, that their pastors were not chosen by the people.

But without insisting farther on this, or the sentiment of other Protestant Churches, who have owned this is the right of the Church of Christ to choose her own overseers,—and not only Protestants, but some Papists have pleaded for this as the people's privilege; Mr Gillespie says, " The Popish French Church hath zealously stood up for liberty in this point, openly opposing the intrusion of men into ecclesiastical charges by the Pope himself." And he cites a book written in the defence of the liberty of the Gallican Church, in which there are sundry reasons adduced for this liberty of elections: " Cum episcopus ecclesiae sponsus est," &c. " seeing the bishop is the bridegroom of the church, and there is a sort of spiritual marriage made up between him and the church, the church's consent ought necessarily to intervene. * * * Hereby the people's estimation of him will be the greater, and will reverence, observe, and love him the more, than if he were obstructed upon them against their will, and therefore his doctrine will be much more fruitful, and be a great deal more efficacious to edification."

* P. 180.

† P. 149.

‡ P. 82.

* P. 91.

† Miscell. Quest., p. 31.

I now proceed to show what hath been the sentiment of eminent Protestant divines since the Reformation as to this point. And, to begin with those that had their residence in the Belgic Churches: here many eminent professors of divinity and ministers of the gospel might be particularized, all owning, that it is the people's right originally to elect their own pastors, as the professors of Leyden, who say, "Jus pastores eligendi est penes ecclesiam, ac proinde plebi commune cum Presbyteris, jus eos ordinandi soli Presbyterio est proprium"—"the right of choosing pastors belong to the church, and therefore common to the people or commonality with presbyters."* What is the privilege of the church, those eminent divines reckoned common to rich and poor among the people. So Walkens, professor at Leyden, "De vocatione pastorum, et in loc. com.", p.474. So Voetius, professor at Utrecht, who asserts, that "election of ministers belongs of divine right to the Church of Christ;" and he thinks the people's inclination is more to be regarded on this head, than the inclination of a prince, a peer of the realm, or chief person in the place.† So Amelius, professor at Franeker, who, having put the question, "Penes quos," &c., "or, to whom doth the right and power of calling ministers belong?" in answer, he says, "Jus delegatum," &c.—"or, the delegate right belongs to that whole church to whom the minister called ought to serve;" and he adduces sundry reasons for proof of this. Again, the learned Maresius, chief professor at Groningen; so the learned Rissenius, doctor of divinity and pastor at Daventer; and many others that might be particularized here to you. What professor is he that ever wrote, and hath not owned, that the people have right from Christ, the King of Zion, to choose their own pastor? But then,

2. For Protestant divines of note in the Church of France, here many might be also particularized, who have owned this is the people's right. The noble Morney, Lord de Plessis, cites the centuriators of Magdeburg with approbation, saying,— "They inform us, that in the apostles' time, the apostles did not assume to themselves the power of electing and ordaining elders and deacons, but they had the suffrage and consent of the whole church;‡ and, after he has cited sundry divines to prove that ordination by Presbyters is valid, or that imposition of hands belongs to them,

* Election of Pastors, p. 31.

† Pol. Eccl., par. 2, pp. 546, 557.

‡ Pryn's Unbishop, p. 67.

he says, with sundry other writers of the Reformed Churches, who aver, and prove against the Papists and Jesuits, "that the power of election of ministers by the Word of God, belongs to the whole church and congregation." So Daneus, another famous French divine, and who was employed by the Church of France to write and print against Bellarmine,* and afterwards came to be a professor in Leyden, he is clear for the people's right to elect their own pastors; for he says, "Plebem non esse ab ordinantibus," &c.—"that the people are not to be excluded from the ordinations of such as are to be set over them in church offices, the examples of the ancient church demonstrates, in which, without doubt, election by the voices of the whole church was used, as is easy to be showed in Acts vi. and xiv.; therefore they do perfidiously deprive the church of her right, who thrust a pastor upon a people without their knowledge and consent, for they do the church the greatest injury, when they spoil her of her judgment and suffrage, who therefore are truly called sacrilegious and church robbers; neither, indeed, is he a lawful pastor which is over a flock against their will, or without their consent.† So the great Chamier, as the French ministers used to call him, and was once and again Moderator in their National Synod, and chosen by that Church to go with others to the Synod of Dort: he owns the people's right to choose their own pastors, and says, "Prater electionem ministrorum, plebis nullas esse partes in ecclesiastico regimine, censemus"—"except as to the election of ministers, we think the people have no part in ecclesiastical government." The noble Morney cites him, averring, ‡ and proving in his Panstratia Catholica against the Papists, "That the power of election by the Word of God belongs to the whole church and congregation."§ And as averring the same, he also cites Anthony Sadeel, Lord of Chandelier, || a person of eminent learning, piety, and prudence, who, when only twenty years of age, was chosen by the Church of Paris to be their pastor, and, when only twenty-three, was chosen Moderator of the third National Synod of the Church of France, pastor to the King of Navarre, and, after his death, removed to Geneva, and never took wages for his work in the ministry. Many others might be cited to this purpose, as the learned Blondel; so Capellus and Amyrald, who,

* Quick's Synod., p. 166. † On 1 Tim. v. 22.

‡ Pryn's Unbishop, p. 68.

§ Tom. ii. de vocum Pontif., cap. 6.

|| Respons. ad repetita tur. sophism., par. 2, loc. 12.

in their Theses Salmurienses, say, "Suffragia et consensus ecclesia minime negligendus"—"the suffrages and consent of the church are no ways to be neglected."

3. For Protestant divines in Helvetia or Switzerland, here many might be also adduced, as being clear and full for the people's right to elect their own pastors, as Ulricus Zwinglius, that eminent first reformation; he began to preach the gospel more purely in the year 1516, being first pastor at Glaris, and after at Zurich, preaching the gospel "according to the gospel," as Mastrius says, and that before Luther's name was heard of in those bounds. I see him cited, asserting, "that it seemeth there is nothing so agreeable to the ordinance of God, and to the old institution, as that all the whole church of the faithful among a people, together with certain godly and learned bishops, and other faithful men, having skill in things, should choose a pastor" * * * let therefore those proud bishops and foolish abbots go shake their ears; for it is convenient, that the right of election should be in the power of the church of the faithful, instructed by the counsel of learned men." * There he asserts it is agreeable, and most agreeable to the ordinance of God, that all the church, the whole church of the faithful among a people, should have a hand in the choice of a pastor. So Bullinger, who, I think, succeeded to Zwinglius at Zurich, he says, "The apostles did not use any tyranny in the churches, nor did they alone those things which pertained either to election or ordination, other men in the church shut out; for the apostles and elders did create bishops and elders in the church, by communicating their counsels with the churches; yea, and with the consent and approbation of the people." † And that great man, Peter Martyr, sometime pastor in Helvetia, first called to Zurich, and then to Basil; he much commends the piety of a bishop of Troyes, in France, who, about the year 1561, forsook Popery, and betook himself to feed a flock of Christians there: "Sed quia ei gravis scrupulus injectus est," &c.—"but because he had a great scruple of conscience about his calling, because he had not therein the election or confirmation of the church or people, he called the elders of the reformed church, and desired them to consult speedily with the church or people, desiring them to speak their mind freely and openly, telling them, that if they did not think him fit for the office, he was ready to give place; upon which he was

acknowledged and received of all with one consent, as a true bishop; and, by his authority and piety, and teaching the Word of God purely, did much profit the church of Christ." Again, Musculus, professor at Bern, that eminent servant of Christ, he is plain to this purpose; he says, "Both by the example and ordinances of the apostles in the primitive church, elders, pastors, bishops, and deacons were, in the ecclesiastical meetings, chosen of the people, by lifting up of hands;" and he affirms, "that the manner of election whereby men began to be thrust upon the people of Christ, without their choice, agrees to a church which is not free, but subject to bondage;" and he calls the form or manner of election by the people's choice, "the antient, the meetest, the divine, the apostolical and lawful election," asserting, "that the other floweth from the corrupt state of the church and religion." ‡

And here many eminent divines of Geneva, which is in Switzerland, may be adduced, as that great man of God, Mr Calvin, who, in his Institution of the Christian Religion, hath much to this purpose. There, when speaking of the Popish manner of settling overseers, he says, "Jam in eligendo totum jus populi sublatum est, vota, assensus, subscriptiones, et omnia ejusmodi evanerunt"—"now, in choosing, that whole right of the people is taken away, their votes, assents, subscriptions, and every such thing, are vanished." ‡ And, having spoken of the election of Matthias and the deacons, Acts i. and vi., he says, "Habemus ergo hanc esse ex verbo Dei legitimam ministri vocationem," &c.—"therefore we judge that to be the lawful election of a minister according to the Word of God, where they who appear to be meet, are created with the consent and approbation of the people; indeed, other pastors ought to moderate the election, lest the multitude should offend through levity, ill-design, or tumult." § There, as the moderation is given to ministers, so he judged the people have right by the Word of God to choose their pastors; he judged it a walking directly contrary to God's Word, to settle any minister in a congregation, without or against the will and approbation of the people. And here also the famous Beza, Calvin's colleague, might be adduced, who gives it as an evidence of his, and other ministers in his day, their being lawfully called to the work of the gospel, that they were chosen by their

* Jac. Attest., p. 31.

† Deca, 5, 6.

* Jac. Attest., p. 45. † Loc. com. de min. elect.

‡ Lib. 4, cap. 5, sect. 2.

§ Cap. 3, sect. 15.

churches. And, in his Confession of Faith, he says, "Nunquam receptum est," &c.—"it was never received (viz., as a custom) in Christian churches already constitute, that any should be admitted to an ecclesiastical office, unless freely and lawfully chosen by the church particularly interested;" and he says, "That patronages, and corruptions of that sort, they owe their original unto, or have proceeded from the devil, though it is not to be called in question, but there were specious pretences for them at first."* So the learned Professor Turretine, and sundry others.

As the Palatinate Catechism was adopted by the Church of Scotland, so many eminent divines in that church might be cited here, as Zanchy, Professor of Heidelberg, who affirms, "Eligere pastores sine plebis consensu," &c.—"to elect pastors, without the people's consent, 1. It is not apostolical, neither lawful, and hereby such a minister is not a lawful minister. 2. It is repugnant to the liberty of the church, and hereby that which Christ hath given here, is taken away, and how great a crime is this? 3. This is not to the interest of the pastor, for he can never execute his office with a good conscience, neither is this for the interest of the church, which will not willingly hear nor love him who is thrust in upon her without her consent."† So also the Rev. Junius, Tremellius his colleague at Heidelberg, whom Rutherford calls that great divine, and Calderwood gives him the epithet of *magnus et eruditus*, I see him cited, as clearly and fully of this mind, that the people themselves have right from Christ to choose their own pastors, "Simplicissimum quidem probatissimumque," &c.—"it is evident, the way of choosing and calling ministers is most plain, and most approved by the testimony of Holy Scripture, which the apostles observed in the churches of old, and the ancient church, imitating them, observed, the whole church choosed, that is, the body, consisting of elders and people, or common sort, by equal and common suffrages."‡ And he thought it not enough, that they were called to be present at elections, if they did not also elect their pastors. And he answers the objections aenent the ignorance and unruliness of the people. Many others might be cited here, as Pareus, chief Professor at Heidelberg. So the renowned Centuriators, or Century Writers at Magdeburg, who assert "the apostles did not assume the power of electing pas-

tors to themselves, but had the suffrage and consent of the whole church to such as they did ordain;" affirming that this was also the practice of the church in the second and third centuries.

But now, 4. For the sentiments of Protestant divines in Saxony, and some other Lutheran churches, many might be adduced to this purpose, as Luther himself, who was Professor of Divinity in Wittemberg, in Saxony: "The chief right of calling ministers belongs to the people, over whom none is to be set without their suffrage":* So the famous Gerard at Jena, in Saxony, "Pastors are to be called with the consent of the church; neither is any to be obstructed upon the church against her will;" and he says, "This is proved by express Scripture testimony, and the constant practice of the primitive church, and it nourisheth mutual concord between pastors and hearers, when ministers are called with the consent, and by the suffrages of the church over which they are set, and removes the discords which follow upon neglect hereof."† So also that famous Brunswick divine, Chemnitius: "Exempla apostolicae historiae clare ostendunt," &c.—"examples in apostolical history clearly show, that election or vocation did belong to the whole church;" and adds he, "This is the judgment and way of the apostolic, primitive, and ancient church, concerning the lawful election and calling of ministers, which judgment and way hath place in those churches which are constituted according to God's Word;" and he says, "In our churches it is so,"‡ meaning the Lutheran churches. And many other eminent Lutheran divines might be adduced to this purpose, as the learned Brentius, se Matthias Flaccus Illyricus, who wrote a particular tractate on this subject, entitled, "Quod electio episcoporum, non ad ecclesiasticos solum, sed et ad laicos, ut vocant, pertinet." And the learned Voe-tius says, "He does the best on this subject that ever he saw."

Having none of the Bohemian divines to consult on this head, I proceed, in the

Fifth place, to show what hath been the sentiment of divines in England. And for the established church, sundry of them have owned this is the people's right, as Dr Field, who says, "That every people and church stand free, by the law of God, to admit, maintain, and obey no man as their pastor, without their liking; and that the people's election by themselves, or

* Cap. 5, inter Tract. Theol.

† In quart. Fræcep., col. 783.

‡ Jac. Attest.

* De minist. eccl. instit., p. 365.

† Tom. 6, p. 105. ‡ Exam. Concil., p. 226,

their rulers, dependeth on the first principles of human fellowship and assemblies, for which cause, though bishops, by God's law, have power to examine and ordain, before any man be placed to take care of souls; yet have they no power to impose a pastor upon any church against their wills."^{*} So also the industrious and learned Dr Willet, as some design him, who proves at large that this is the right of the Church of Christ.[†]

The Bishop of Landaff and Davenant, then public Professor of Theology in the University of Cambridge, the same, I suppose, that afterwards was made a bishop, and all the British members at the Synod of Dort, they signed the Belgic Confession of Faith, in which the election of pastors, elders, and deacons, is given to the Church, as was noticed above. Mr Lawder cites Dr Pearson, Bishop of Chester, saying, in his Annal. Cypr., p. 29, when speaking of the creation of a bishop, "Though Cyprian attributes testimony to the clergy, and elective voice to the people, the cardinal, on the contrary, gives elective voice to the clergy, and only testimony to the people, by which means he destroys the people's elective voice, which Cyprian every where asserts."[‡] And there, also, he cites Dr Barrow, speaking much to the same purpose.

But now, for Presbyterians in England, here many might be instanced, as the eminently learned Cartwright, who, as was said above, declares it is the people's right to choose their own pastors, calling this a right or privilege which is purchased with the blood of Christ, and "a right which the Lord's people cannot alienate, give away, nor dispose of, more than of their part of the kingdom of heaven." So, again, the Rev. Masters Mershal, Calamy, Young, Newcomen, and Spurslow, authors of Smectymnuus, in that book, when showing the difference between the ancient bishops and diocesan bishops,—"The ancient bishops," say they, "who were only parochial pastors, they differed from ours in this, that all their elections were ordered by the privity, consent, and approbation of the people where the bishops were to serve; and, were there no others to make this good, Cyprian alone would do it." And having cited Cyprian, asserting, "That the people specially have power of choosing worthy priests, or rejecting the unworthy, for this is derived from divine authority,

that the priests should be chosen in the presence of the people, before all their eyes, and approved as fit and worthy by their public vote." And this, say they, "he proves by the testimony of sacred writ, both old and new." As they were eminent London ministers, so they were all members, and considerable members of the Westminster Assembly. So the learned Mr Oliver Bowles, another member of that Assembly, whose judgment hath been declared already. So the reverend and learned Mr Samuel Hudson, in his Essence and Unity of the Catholic Church, he asserts, "That the election of a minister to a particular congregation, is an act of liberty in the people, though his mission is from Christ primarily, and ministerially by the Presbytery."^{*} And, in his Vindication of that Book, or of the Essence and Unity of the Catholic Church, which was dedicated to the Westminster Assembly, he asserts the same *in terminis*,[†] and affirms, "That it is the election and call of the people which exerts or calls forth the exercise of a minister's office among a people in particular."[‡] So the judicious Manton, who says, "The outward call belongs to the church, but it is to be done in order—election by the people, examination of life and doctrine, with authoritative mission by the Presbytery, confirmation by the magistrates, Acts vi. 3, and xiii. 2, 3, and xiv. 23; and the Christian magistrate hath his share, to see that all things are done orderly."[§] So the Rev. Mr Flavel, whom Jennings calls "the good and great Mr Flavel," in his Antipharmacum Saluberrimum; so Mr Thomas Hall, in his Pulpit Guarded, with many others I might cite; so here Bucer and Peter Martyr, Professors of Divinity sometime in England, being called by King Edward VI., the first to Cambridge, and the other to Oxford; so Amesius, born in England. So the learned Whittaker, besides all those of the Congregational way, many of which have been eminent for piety and learning as the Rev. Dr Owen, and others.

I do not affirm, all these eminent divines that have been mentioned, did think it convenient to give an equal decisive suffrage to the whole church, yet I think, they were all of this judgment, that it is the people's right originally. They thought this is a privilege Christ hath given to his people, a church privilege belonging as much to the poor as to the rich, though "ad evitandam confusionem," or for eviting con-

* On the Church, lib. 3, cap. 54.

† Synop. Papist, 460.

‡ Ancient Bishops Cons., p. 353.

* P. 45.

† P. 257.

‡ Pp. 138, 171.

§ On Heb. ii. 8, p. 339.

fusion, some of them thought the people might depute or authorise some to vote for them, and they were all positive for the people's consent, as necessary to fix the pastoral relation. They were positive in this, that it is spiritual robbery and tyranny to thrust any pastor upon a people *invito grege*, or against their will; they were all far from thinking people have nothing to do with the election of their pastor, unless they have somewhat to object against the candidate's life or doctrine; they never dreamed Christ hath given more right in the affair to the rich than to the poor, to heritors, magistrates, or town-council in

burghs, than to people of an inferior rank, nor do they ever make distinction between bond and free, as to this or any spiritual privilege. The least they allowed them was a negative; for, according to them and all Protestant-divines, none are to be settled without the consent and approbation of the people, be the nominators or electors who will. And as Protestant divines give the power of calling to the church, so they make the call to consist of election and ordination, giving the first of those, namely election, unto church members, or to the people, as they give ordination to office-bearers in the Church of Christ.

CHAPTER V.

I COME now to the fifth general head, viz., "to show what hath been the judgment of the Church of Scotland, the sentiment of some of her best writers, and also of the State in former times."

Though the gospel was very early received in Scotland, if not in the first, yet in the second century, Joannes Major, Joannes Fordon, Hector Boethius, David Blondel, and others, say, "Mr Pryn records, that the Scots received the Christian faith in 179," which was publicly professed in the beginning of the third, in the days of Donald I., who, in or about the year of our Lord 205, embraced the Christian faith; yet, as the church was ruled by presbyters, having no diocesan bishops, so the people had the choice of their pastors after that for a long time. Hector Boethius, that learned Principal of the college of Aberdeen, says, "Palladius erat primus omnium qui sacram inter Scotos egero magistratum," &c.—"Palladius was the first of all that exercised the office of a sacred magistrate," that is, of a diocesan bishop, among the Scots, "being created a bishop by the pope, when formerly they, viz., bishops, were chosen out of the monks by the suffrages of the people."† This was in the fifth century, at which time we had first to do with Rome. Balaesus, when treating of the British writers, speaks to the same purpose,—"Ante Palladium Scotti habebant suos episcopos ac ministros," &c.—"before Palladius, the Scots had their own bishops and ministers for the ministry of God's Word, who were chosen by the suffrages of the people, after the manner of the Asian churches; but this was not pleasing to the Romans, who were

haters of the Asians." And though Palladius was sent from Rome, and came undesired, yet the people enjoyed the liberty of choosing their own pastors many years after this. Sir James Dalrymple, that learned antiquary, when speaking of Eadmer, who was the fifteenth bishop of St Andrews, and lived in the twelfth century, says, "The third day after he came to Scotland, on the feast of the Apostles Peter and Paul, suscepit eligente eum clero et populo terre, et concedente rege pontificatum Sancti Andreæ apostoli Chenrimuntensis." "By this we may learn," adds he, "what was the Scottish form of election, viz., by the clergy and people, with the allowance of the prince, as we see it was the practice in Ireland." And again he says, "It appeareth by what is observed from an old Commentary of the Culdees, that there was no ordination of a bishop, without the concurrence of the laicks of the place. * * * And it is like also," adds he, "the laicks had the same share in the settlement of the Culdees who were their pastors." But to come nearer our own times, Buchanan tells us, "That when Sir James Sandilands was sent to the queer regent from the congregation in 1558, ir the name of all who stood for the Reformation in Scotland, as he requested all public prayers, and the administration of sacraments should be celebrated in their mother tongue, so he requested, that the election of ministers, according to the ancient custom of the church, should be made by the people."† In that petition he asserted, that it had been the ancient custom of the church for the people to choose their own pastors; and he declared, it was the unanimous desire of all that stood

* Pryn's Unbishop. of Tim. and Tit., p. 91.
† Lib. 7, cap. 128.

* Coll., pp. 311, 183.

† Lib. 16, hist.

for the Reformation in Scotland, that it should be so still. The nobility and gentry, at the Reformation, were far from pleading this as their peculiar right above others.

But farther, the judgment of the Church of Scotland may be seen by her Books of Discipline. Her First Book was drawn up at the desire of the Great Council of Scotland, by Mr John Knox, &c. In the fourth head of that book, which treats of ministers and their lawful election, it is affirmed, "That it appertaineth to the people, and to every several congregation, to elect their minister *** for altogether this is to be avoided, that any man be violently intruded or thrust in upon any congregation; but this liberty must, with all due care, be reserved to every several church to have their votes and suffrages in election of their minister." And this constitution was after the noble example of the apostolical churches, which, as says the Vindication of the Commission's Overtures, our first Reformers thought it their glory to copy after. And if any continue to say, that this of the people's right to elect their own pastors is unscriptural, or contrary to Presbyterian principles, then I would answer, with the foresaid Vindication, "That it is extremely hard people should be so unacquainted with our constitution, and so injurious to the memory of our glorious Reformers, as to exclaim against a thing as unscriptural, and contrary to Presbyterian principles, which they have so solemnly affirmed in the Book of Discipline." For they, viz., Mr Knox, and such as framed that Book of Discipline, were fully of the judgment, that the people have a right, by God's Word, to a vote and suffrage in the choice of their pastors. If you consider the words of their address to the Council when they gave in that Book, in which they say, "Most humbly requesting your honours, that as ye look for participation with Jesus Christ, that neither ye admit of any thing which God's plain Word shall not approve, neither yet that ye shall reject such ordinances as justice, equity, and God's Word do specify; for, as we will not bind your wisdoms to our judgments farther than we are able to prove by God's plain Scripture *** Those expressions, with others they adduce to the same purpose, show clearly they looked upon the discipline laid down in that Book to be founded upon God's Word. And in the Second Book of Discipline, when showing how such as bear ecclesiastical functions are to be admitted to their office, it is said, "This ordinary and outward calling hath

two parts—election and ordination. Election is the choosing out of a person or persons most able to the office, which vaicks by the judgment of the eldership, and consent of the congregation, to which shall be the person or persons appointed. In the order of election it is to be eschewed, that any person be intrusted into any offices of the kirk contrary to the will of the congregation to which they are appointed, or without the voice of the eldership."* And in the twelfth chapter of that Book, which contains certain special heads of reformation craved by the Church of Scotland at that time, it is said, "The liberty of persons called to ecclesiastical functions, and observed without interruption, so long as the kirk was not corrupted by antichrist, we desire to be restored and retained within this realm. So that none be intrusted upon any congregation, either by the prince, or any inferior person, without lawful election, and the assent of the people over whom the person is placed, as the practice of the apostolical and primitive kirk, and good order craves. And because this order which God's Word craves cannot stand with patronages and presentation to benefices used in the pope's kirk, we desire all them that truly fear God, earnestly to consider, that forasmuch as the names of patronages and benefices, together with the effect thereof, have flowed from the pope, and corruption of the canon law only, in so far as thereby any person was intrusted or placed over kirks having *curam animarum*: And forasmuch as that manner of proceeding hath no ground in the Word of God, but is contrary to the same, and to the said liberty of election, they ought not now to have place in this light of reformation; and therefore, whosoever will embrace God's Word, and desire the kingdom of his Son Jesus Christ to be advanced, they will also embrace and receive that policy and order, which the Word of God and upright estate of his kirk craves, otherwise it is in vain that they have profest the same.† Now, whatever is meant here by the judgment and voice of the eldership, it is evident from that Book, the Church of Scotland then thought the Word of God, apostolical practice of the primitive kirk, and good order, craved no man should be intruded upon any congregation, neither by prince nor presbytery, neither by great nor small, without lawful election, and the consent of the people over whom the minister was to be placed; it is clear to a demonstration, they thought there is Scrip-

* Chap. 3, pars. 3-6.

† Pars. 11-14.

ture for the people's interest in the affair, and they judged it a walking directly contrary to Scripture, and a sin against the Word of God, though in the highest lord, marquis, duke, or prince, to intrude a minister upon a congregation, without lawful free election, and the assent of the people.

The sentiments of the Church of Scotland on this head, are also manifest from her Acts of Assembly. In the first General Assembly of the Reformed Church of Scotland, held at Edinburgh, December 20, 1560, about four months after the pope's authority was abolished by Parliament, it was enacted by that Assembly the 27th of that month, "That the election of ministers should be in the public church by the people."* And in the fourth General Assembly, which met upon the 25th of December 1562 (then, and for twenty-two years after the Reformation, there were General Assemblies twice in the year, and sometimes oftener), in that fourth Assembly it was enacted, "That the presentation of ministers should be in the people."† And according to the fourth head of the First Book of Discipline, concerning the lawful election of ministers, that Assembly ordained, "That inhibition should be made to all and sundry persons then serving in the ministry, who had not entred into their charges by the order appointed in that Book (which requires the votes and suffrages of the people), they were inhibited till farther trial. And in the 1638, when Presbytery was restored, that General Assembly which sat at Glasgow enacted, "That no person be intruded into any office of this kirk, contrary to the will of the congregation to which they are appointed."‡ No settlement was to be made, unless the congregation or people was heartily willing and cordial for the person to be ordained to labour among them, and watch for their souls. And the practice of the Church of Scotland, in those times, was most agreeable to that determination; for the great Mr Alexander Henderson, in that little treatise of his, entitled, "The Government and Order of the Church of Scotland," first printed in the year 1641, when speaking of the calling of ministers, he says, "So that no man is here (viz., in the Church of Scotland) obtruded upon the people against their open or tacite consent and approbation."

Again, the Assembly 1649, in their Directory for the Election of Ministers, as

* Account of Lay Patron. in Scotland, p. 2.

† Ibid.

‡ Sess. 23, Act 20.

that Assembly gives the choice or nomination to the session or eldership of the congregation, so in that Directory, unless the major part of the people acquiesce and consent to the person agreed upon by the session, the Presbytery is discharged to proceed to the ordination, "if they do not find the people's dissent to be grounded on causeless prejudices." Now, to me it is evident, that though the Second Book of Discipline, and also this Directory of 1649, give the vote, in election, of pastors to the eldership of the vacant congregation, yet they gave the people a negative over all the eldership; for, unless the people consented to the person chosen, there was to be no settlement, no proceeding to ordination. The reverend and renowned Mr George Gillespie, who may be supposed to have understood the principles of the Church of Scotland as well as any man in his day, was of this mind; and he gives the people a negative over the whole session in this affair of the election of pastors. I will give you his own words when answering this objection, that people may not dissent from the person chosen, without objecting somewhat against his doctrine or life; he says, "Now men vote in elderships, as in all courts and consistories, freely according to the judgment of their conscience, and are not called to an account for a reason of their votes; and as the vote of the eldership is a free vote, so is the congregation's consent a free consent; and the objection holdeth no more against the latter than against the former, for both are jointly required by the Church of Scotland * * * Though nothing be objected against the man's doctrine or life, yet if the people desire another better, or as well qualified, by whom they find themselves more edified than by the other, that is a reason sufficient, if a reason must be given at all, and it is allowed by Daneus, 1 Tim. v. 22. * * * It being condescended upon in the Parliament of Scotland, that his Majesty, with advice and consent of the Estates, should nominate the officers of state; the Estates of Parliament were pressed to give a reason of their dissenting from his Majesty's nomination, but they refused; and I am sure," says he, "consenting or not consenting in a matter ecclesiastical, ought to be as free, if not more free, than in a matter civil."*

But here, perhaps, some may except, denying the people could have a negative over the session, in regard the Presbytery might proceed to ordination upon the ses-

* Elect. of Past., pp. 27, 28.

sion's choice, if they found the people's exceptions to be grounded upon causeless prejudices against the person chosen. Now, for answer, I say, by causeless prejudices, the prejudices of a people against a person for being too staunch a Presbyterian, one that, in preaching, nettles the conscience, a person of greater tenderness in his walk, and of more zeal for God than they could wish, his being of meaner parentage, or one whose father or mother was not so good a Christian, or his having been educate in principles not so sound, though seeing their evil he had sincerely renounced them; their being prejudiced at some seeming or little indecencies of voice or gesture, as the lifting of the eyes in prayer or preaching, which the minister cannot help; their being prejudiced at his being a little deformed in body, or of a lesser stature, as it was with some in the church of Corinth, who said of the great Apostle of the Gentiles, "his bodily presence is weak, and his speech contemptible;"* those, and the like, are causeless prejudices; but the people's not being edified by a man's gift, or their having a greater love to, and desire after another whom they judge fitter to take the oversight of their souls, can never be called a causeless prejudice. And surely the Assembly 1649 never meant, unless the major part of the congregation could give relevant exceptions against the man's life or doctrine, the Presbytery might go on in the settlement. No, surely; for if only the lesser part of the congregation adduced such relevant exceptions, then the Presbytery was not to proceed, as is evident from the words of the fourth section of that Directory. And it is as clear as two and three make five, that the Assembly intends some other sort of objections should be adduced by the lesser part to stop the settlement, than was required in the greater, otherwise they neither knew what they said, nor whereof they affirmed. And the fourth section of that Directory should be *crambe recta*, the same in all respects with what the Assembly had said in the third section. Can any dream, the Assembly 1649 gave no more to the people than was given under patronages, which had been abolished by the Parliament the March before, as unlawful and unwarrantable by God's Word, and contrary to the doctrine and liberties of the Kirk of Scotland? And in the time of that much to be lamented difference between such as were called protesters and the public resolutioners, I find both parties

pleading for, or asserting this is the people's right. The public resolutioners, in their review and examination of that pamphlet, which was entitled, "Protesters no Subverters, and Presbytery no Papacy," printed 1659, as they accuse the opposite party of misregarding the inclinations of the people in some of their settlements, so they assert, "That it is the right of church members to choose their own pastors."* "For," say they, "when speaking of such as had been concerned in the engagement, "Now, if those men be *ecclesiastice* purged from their scandals, and admitted to communicate in ordinances, common sense will dictate that they cannot be denied the privilege of church members, in making choice of those who are to dispense those ordinances unto them." And they assert, "That the giving of the call belongeth to the plurality of the eldership and congregation." And they call the intruding of a minister upon a people, "an usurpation, a wronging of the liberty of the people, and an intolerable slavery." And they justify such as said, "they could not in conscience submit to such intruders." Now, though I have not seen the answer of the protesters to this review, yet I doubt not they owned all in *thesi* that is said by the resolutioners on this head. And in their "Testimony to the Doctrine, Worship, Discipline, and Government of the Kirk of Scotland," printed in 1660, they do, "as ministers of the Gospel, testify their dislike of the conduct of the civil powers that then bare rule over the nation, for putting the disposal of vacant stipends into the hands of a civil judicatory, without whose intervening approbation and warrant, none can be admitted to any such vacant stipend," say they, "notwithstanding of their being called by the congregation, and approved and admitted by the Presbytery."[†] Now, from that expression we may gather, they judged it was the right of Christian congregations to choose or call their own pastors, as it is the right of the Presbytery to examine and ordain. This was subscribed by Mr Rutherford, Mr James Guthrie, and other fifteen protesting ministers, in the province of Fife and Perth.

In September 1718, the Synod of Fife having expressly discharged the Presbytery of Kirkaldy to plant the parish of Balingrie, "without the consent of the greater and better part of that congregation," their sentence was afterwards approven, and ratified by the Commission of the Assembly,

* 2 Cor. x. 10.

* Pp. 15, 24, 25, 32.

† P. 35.

when that affair came before them, and the Commission was approven in their conduct by the next General Assembly. The sentiment of the Church of Scotland may also be known, from the procedure of the Assembly in 1725 and 1726, in the affair of Aberdeen. In 1725, there being a competition of calls to that place, it was asserted, that the call to Mr C. had not only the majority of magistrates, town-council, and elders, which I think was yielded, but also majority of heads of families. Yet, because this last was controverted, the other party that was for Mr O.'s call, affirming that there was a vast majority of the people upon their side, the Assembly appointed a new moderation, in which they expressly ordered, that the inclinations of the people of Aberdeen should be consulted, and no settlement to be made without the express consent of the people of that place. And the Commission of Assembly, to whom that affair was referred for final determination, in case it should come before them, having ordered that settlement, they were disapproven by the Assembly for their conduct in that affair, and, as on other grounds, so particularly because the majority of the people were on the opposite side. It is true that Assembly confirmed the settlement, but whether in a consistency with themselves or not, I now leave to others to judge. The sentiments of the church in former times, may also be learned from the *Zuporina*, or stretching out of the people's hand, which used to be required immediately before the ordination, and this to testify their adherence to their former choice and consent, and willingness to have such a person for their minister. The above named "Government and Order of the Church of Scotland" says,— "Sermon being ended, viz., on the day agreed upon for ordination, the party (or person to be ordained) is called upon, and demanded concerning his willingness and desire to serve the Lord Jesus, for the good of that people, with other questions of that kind; and the people also are demanded whether they will receive him for their pastor, and submit themselves to his ministry in the Lord: And both having declared their readiness and mutual consent, the minister cometh from the pulpit," &c.* And this method is agreeable to the form of Presbyterian Church Government, and Ordination of Ministers, agreed unto by the Assembly of Divines at Westminster, and which was approven by the Church of Scotland, 1645.

* Sect. 2.

But I proceed now, in the second place, to show what hath been the sentiment of some of our choicest divines, and best writers upon this point, since the Reformation. And here I begin with the famous Mr Knox, whom some have called the Apostle of the Scots, whose testimony, said Mr Park, I value above a thousand others. We have his sentiment in the First Book of Discipline, in drawing up of which he had a principal hand. In that Book, the vote and suffrage in choosing pastors is given to the people of every several congregation. And Mr Knox was zealous for that Book; for, when Lethington opposed the Ratification thereof, and said, "Many had subscribed it *in fide parentum*, as the bairns are baptiz'd," Mr Knox answered, "Ye think that proper stuff, but it is as true as improper, that Book was read in public audience, and the heads thereof reasoned upon divers days, as all that sit here know very well, and yourself cannot deny." And when one said to him, "Stand content, the ratification of the Book will not be obtained," he replied, "Let God require the detriment, which this kirk and commonwealth shall find, by the want of the things therein prescribed, from the hands of such as stop the same." And the compilers of that Book, who gave it in with unity of mind to the secret council, as I noticed before, they told the council, they did not desire to bind them to their judgments, farther than they were able to prove by God's plain Scripture. And as this was his judgment, so also of those men, who, with him, framed the said Book of Discipline, and also the doctrine contained in our first Confession of Faith, the said persons, namely, Mr John Winram, Mr John Spottiswood, Mr John Willock, Mr John Row, and Mr John Douglas. The first three were chosen for superintendents of Lothian, Fife, and Glasgow. Again, the renowned Calderwood, he makes it the right of church members to elect their own pastors, asserting it is the right of the poor, as well as of the rich, the right of people in lower as well as in higher station in the world. He says, "If people are to be excluded from the liberty of election, because they are country fellows, ploughmen and servants, they may also be excluded from the church itself on that account."* So that eminently learned, singularly pious, and faithful servant of Christ, Professor Rutherford, in sundry places of his writings, and particularly in his Due Right of Presbytery,† where he

* Alt. Dam., p. 522.

† P. 291.

puts the question, "Whether the election of the people be essential to the calling of a minister?" And then, in answer, he says, "Of election we are to consider, 1st, To whom it belongs; 2^d, The force and influence thereof to make a church-officer; but let these considerations be first pondered:

"First consideration: Election is either made by a people, gracious and able to discern, or by a people rude and ignorant; the former is valid *jure et facto*, the latter is not so. Second consideration: Election is either comparative or absolute; when the election is comparative, though people have nothing possibly positively to say against the person, yet, though they reject him, and choose one fitter, the election is reasonable. Third consideration: People's election is not of a person to the ministry, as of a wife's choice of a man to be a husband, but of a minister; election doth not make a minister. Fourth consideration: Election is either to be looked to *quoad jus*, or *quoad factum*. A people not yet called externally cannot elect their own minister; a Synod, or others, of charity, as reverend Junius saith, may choose for them, though, *de facto*, and in respect of their case, they cannot choose their own pastor." And then, having laid down these considerations to be pondred, he comes to show to whom the right of election belongeth, and asserts it, in the plainest terms, "that the people have God's right to choose, for so the Word prescribeth," citing on the margin, Acts xv. 22; 1 Cor. xvi. 3, and viii. 19; Acts vi. 6, and xiv. 23. And so the judicious and excellent Mr Durham, though I find him not handling this point designedly, yet, that he judged the people have right to elect their own pastors, is evident from what hath been said above, and from many places of his Commentary on the Revelation.* And that eminent servant of Christ, Mr George Gillespie, who says, "The right of election pertaineth to the whole church, which, as it is maintained by foreign divines, who write of the controversies with the Papists, and, as it was the order which this church prescribed in the Books of Discipline, so it is commended unto us by the example of the apostles, and of the churches planted by them."† So the learned and judicious Mr Wood, whom Mr Wodrow characteriseth for a person of eminent learning, piety, and solidity, when arguing against Lockier, who had asserted "that the whole church should be jointly authoritative about censures, ordinations,

elections," &c., after denying the first two, and showing their unreasonableness, he says, "As to his third instance, concerning election of officers, we grant that election of officers is to be done by the people." He never contradicts this in the least, no, he frankly owns it, only he says, "Election is no ordination, nor is it any authoritative act of government." So the reverend and learned Mr Park, who says, "Patronages do evidently take away the ordinance of a free and unlimited election of such as may be fittest for such a charge, and most acceptable to the congregation concerned, to be made by the church judicatories, and church of believers respectively, each of them acting what is proper for their several places and stations, as being the only party intrusted with it by Jesus Christ the sole King and Lawgiver in his own church."‡ So the reverend and solid Principal Rule says, "I affirm that this is the institution of Christ, that it is the order that he hath appointed in the gospel, that people should have liberty to choose their own pastors and other church-officers."§ And he calls the depriving the people of their right to elect their own pastors, "a notable grievance," and prays the Lord may move the hearts of rulers to defend the people, in this their right, against such as take it from them. The reverend Principal Forrester, that learned and worthy servant of Christ, says, "This right of the people to call their pastors, Presbyterians have made good from several clear Scripture grounds."§ I own he seems to be for giving the choice to the eldership, yet he is positive for the people's consent, arguing strongly for their right in the affair, and calls this "a weighty case," and says, "Their consent must intervene, in order to their acceptance of, and subjection to their shepherd." So the reverend Professor Jamison, as in his Cyprianus Isotinus, where he affirms, "The people have an inherent power and right to elect their own pastors, and that none could be ordained in Cyprian's time, except he was first chosen *suffragius populi, plebis, aut fraternitatis*;" and having cited Cyprian's words, expressing himself thus, "The people themselves especially have power, either of choosing worthy priests, or refusing the unworthy;" he says, "Here is so plainly and palpably contained our doctrine of the people's having a power of choosing their pastor, that none can be obtruded upon them against their mind and consent, that

* Pp. 53, 58, 60, 105, 203, fol. edit., printed 1638.

† Pop. Cerem., p. 289.

* P. 244.

† P. 98.

‡ Rat. Def., pp. 197, 199.
§ Append., p. 262.

it is, at least, pretty hard to express it in clearer terms. And he asserts the Christian people had this power, not only *de facto*, as Papists allege, but also by divine right, as Cyprian, and a whole Synod with him, roundly and frequently declare; and accordingly," says he, "we find the people practising this from the very beginning of Christianity; and he maintains, that the contrary doctrine is palpably Popish, against which our first Reformers, as Luther, Calvin, Musculus, Beza, Illyrius, and many others, earnestly strove, as soon as they were sent forth to fight the battles of the lamb against the dragon;" * and a great deal more he hath to this purpose in his sixth chapter. And here Professor Haliburton might be cited, as having been of this mind, as may be gathered from sundry expressions in that sermon of his on Acts x. 29, which is called an introductory sermon, where he says, "When the Lord designs good to a people by a minister, he gives both the people clearness to call and the minister clearness to come." And there his doctrine from the text is, "A faithful gospel minister coming among a people upon their call, will be desirous to know what their designs in calling him were;" and says, "A people, in calling a gospel minister, should design to hear from him the whole counsel of God." † By these and sundry other expressions, it is evident he thought the people have right to call their minister. And farther, the judgment of the Church of Scotland, or ministry thereof in former times, may be gathered from that testimony, which was agreed to by many worthy ministers of this church, who had taken the spoiling of their goods joyfully, rather than comply with Prelacy, when the second indulgence was granted in 1672. In their testimony against the evils of that indulgence, it is said, "Albeit there be a very great necessity of a free call from the people, both in regard of ministers themselves, who may judge it necessary, antecedently for the exercise of their ministry among a people, lest they seem to be intruders, running unspent, and also in regard of the people, who will acknowledge none for their ministers, nor willingly submit themselves to their ministry, who want their call; yet the indulgence, as contrived, deprives the people of the liberty of free election, in so far as ministers are designed for them, and by the Council's Act, peremptorily confined to the parishes, without so much as the previous knowledge of the people, and so a

necessity is laid upon the people either to call the confined, or to want a minister." And, in the close of that testimony, they supplicate the lords of his majesty's privy council, "that all former restraints put upon their persons and ministry may be taken off, that we, say they, and all other our outted brethren, may have access to our former charges, and other congregations, as the Lord shall grant the opportunity of a free call from the people." Now, in that testimony the necessity of the people's call is asserted, both in regard of ministers and people, and that indulgence is complained of as a grievance, because thereby the people were deprived of their right or liberty of a free election; and in it they desire the liberty of access to settlements, as the Lord should grant them the opportunity of a free call from the people. And that this of the people's right to choose their own pastors is a Presbyterian principle, and that which hath been the principle of Presbyterians in the Church of Scotland in former days, is farther evident from a petition of many thousands of Presbyterians of the Church of Scotland to the Prince of Orange, at the happy Revolution in 1688, drawn up by ministers and gentlemen who had suffered under the cruel oppressing reigns of Charles II. and James VII. In that petition it is earnestly desired, that laick patronages may be discharged, as was done in the Parliament 1649. And also they earnestly petition, the people may be restored to their right and privilege of election, according to the warrant of God's Word.† Now, in this petition, the calling of a gospel minister is said to be the right and privilege of the people, and warranted to them by the Word of God, which is a better title than all the Acts of Parliament or Assemblies upon earth could give. And it is to be noticed, that though in this petition, and the former testimony, the people's right is pleaded, yet, in neither of these is there any hint given of heritors, magistrates, or elders, their having the least privilege beyond others.

Now, having shown the sentiment of the Church of Scotland, I proceed to show, that, as the Church of Scotland hath always been for the people's interest in calling their pastors, so the State hath also declared for this. As the First Book of Discipline gives to every several church their votes and suffrages in the election of their ministers, so the Council of Scotland, who subscribed

* Chap. vi.

† P. 3.

* Wodrow's Hist., p. 333, and Append., p. 140, vol. i.

† Ibid., vol. ii., p. 651, Append., p. 211.

that Book upon the 17th of January 1560, before their subscriptions, declared, "That they look upon it to be conform to God's Word in all points." And this was subscribed, says Calderwood, by a great part of the nobility; and then he names the Earls of Arran, Argyle, Glencairn, Marshal, Monteith, Mortoun, Rothes, Lord James, Lord Yester, Lord Lindsay, Lord Boyd, Lord Ochiltree, the Master of Maxwel, and the Master of Lindsay, Barons Drumlanerker, Lochinvar, Garlies, Barganie; and, says he, "it was subscribed by many others." And, at the close of that Book, I see the names of thirty-six that subscribed that 17th of January. And the Estates of Parliament, March 9, 1649, in their "Act abolishing Patronages," as they rescind all acts in favours of them, so they do it, considering that patronages and presentations of kirks, is an evil and bondage, under which the Lord's people and ministers of this land have long groaned, and because they have no warrant in God's Word, but are founded only on the common law, and is a custom popish, and brought into the kirk in time of ignorance and superstition, and because they are prejudicial to the liberty of the people, and planting of kirks, and unto the free calling and entry of ministers unto their charge; and they declare they are now desirous that every thing in the house of God may be ordered according to his word and commandment; and they rescind all acts in favour of patronages, as being unlawful and unwarrantable by God's Word, and contrary to the doctrine and liberty of this kirk. And notwithstanding of any presentation that might be offered after that act, they declare it lawful for ministers to proceed to the planting of kirks, upon the suit and calling, or with the consent of the congregation, on whom, say they, none is to be obtruded against their will. Now, from that act it is clear, that as the estates

esteemed patronages to be unlawful and unwarrantable by God's Word, so they thought God's Word is to be the rule as to persons having right to call, and they thought people have liberty to call, for they rescind patronages, as being contrary to the liberty of the people; and they thought it a fault in any to obtrude a pastor upon a people against their will. And the Rev. Mr Gillespie quotes several acts of King Charles I., his second Parliament, to this purpose, namely, act 7, which did ordain, says he, "Presbyteries to plant vacant kirks, with consent of the parishes." And act 8, anent the presbyteries providing and admitting ministers to the kirks which belonged to, bishopricks, "It is always provided, that this be without prejudice of the interest of the parishes, according to the acts and practice of the kirk since the Reformation." And in the 9th act of the last session of the same Parliament, "Presbyteries are appointed to plant vacant churches, upon the suit and calling of the congregation."* And even at the Revolution, though the Estates of Parliament gave the nominating and proposing of the person to be minister unto Protestant heritors and elders only, yet they allowed the whole congregation or people in it the liberty of approving or disapproving the nomination as they thought meet, leaving the Presbytery to judge of the validity of their reasons against the person's ordination, who should be nominate and proposed to be their minister; so, for any thing which appears from that act, the people's not being satisfied as to the person's meetness for being their minister, or their not judging themselves edified by his gift, might be enough to hinder the intended settlement; for there is not a word in the act, obliging people disapproving the nomination, to libel the person proposed, or to offer something against the candidate's life or doctrine.

CHAPTER VI.

I COME now to the *sixth* thing proposed, and that was, "to answer the objections of such as oppose the people's suffrage in the choice of pastors to oversee their immortal souls; and,

First, At the last Assembly, 1726, it was objected by some, "This was levelling with a witness, that people of an inferior rank should have a suffrage, as well as such as

are of higher station." Now, for answer, *1st*, I say, to talk of levelling in civils is abominable. Dominion is not founded in grace. Honour is to be given to all to whom honour is due. Yet, *2d*, I say this is exactly such an argument as some of the proud Romish clergy adduce against the people's partaking of the cup in the Sacra-

* *Miscel. Quest.*, p. 21.

ment of the Lord's Supper. " Should all drink of the cup," say they, " then there would be no difference between the clergy and laity, or priests and people." Unaccountable pride! But, 3d, I say this is a spiritual, ecclesiastical, religious privilege, and therefore as due unto the poor as the rich. I hope it is neither an unjust nor indecent levelling for the servant of a noble lord to sit with his master at the same communion-table, and may be nearer the head thereof than he, sitting on the minister's right hand, while the noble lord is on the left; and suppose the minister, in distribution, should happen to give the elements first to the servant, I think he could not be justly accused of disrespect. In the fourth National Synod of France, we have an account of a gentleman's troubling the church, and would not be satisfied unless his lady came up immediately after him to the Lord's table, before any of the men. It seems, he thought it was levelling with a witness, if he and his lady had not some more regard paid them, than to be put upon a level with people of an inferior rank, when at the table of the Lord. But, as the Synod of Caen had formerly condemned his conduct, so that National Synod ordered a letter, in their name, to be sent unto him, in which they advised him to more humility. Mr Henry, commenting upon Nehemiah x. 29, says, " Observe, their nobles are called their brethren; for, in the things of God, rich and poor, high and low, they meet together." 4th, I own this is levelling, but such as the Word of God requires. The man with the gold ring and gay clothing, and people of coarser raiment, are to be equally regarded here. The vastly rich, and people of opulent fortunes, the grandees, the princes, and kings in Israel, were to pay no more than the poor, namely, the half shekel of atonement-money, Exodus xxx. 15, 16. That Scripture shows, that all souls are of equal value, and that God regards the rich no more than the poor. Mr Henry, upon the place, says, " This money was raised to be employed in the service of the tabernacle; with it they bought sacrifices, flour, incense, oyl, fuel, salt, priest's garments, and all other things which the whole congregation was interested in; and rich and poor contributed alike to the temple service, because both were to have alike interest in it, and benefit by it." Now, rich and poor being to have alike interest in, and benefit by the minister chosen, is it not highly reasonable to infer they should have an equal share in the election? But, 5th, I would ask such

as make the objection, whether they think it levelling with a witness, for poor mean tradesmen, that are elders, to have a voice in sessions or presbyteries with gentlemen and noblemen, where they are put on a level, may be, once every week; whereas this levelling, at the election of ministers, shall not be above once in a whole lifetime? It is no degrading of the highest nobleman to be companion here to all that fear the Lord,* to the meanest saint of the Most High, since the saints are God's first-born; and this is a spiritual privilege, as hath been said above; or, is it not levelling to give a vote to an heritor that is, may be, his lordship's barrow-man? It may be heritage, though not above an acre of land, and burdened with twice the value. He may be a little heritor or feuar, he may be a magistrate or counsellor, and not be worth a sixpence. And though the hearts of haughty men may be ready to swell at being put upon a level with people of meaneer circumstances in this case, yet I dare say, " the heart of God will be towards the governors of Israel," towards such magistrates, patrons, and heritors, as shall " willingly offer themselves among the people," in the election of pastors, Judges v. 9. Such as, with Theodosius, think it " a greater honour to be a Christian than emperor," will not think it a degrading of them, that other Christians have the same spiritual privileges with themselves.

Second Objection. " Though this of calling ministers be the people's right, yet this must be regulated by the laws of society, as in the civil government, where people have such and such natural rights, which yet are exercised by others; how absurd would it be, that all the people of a city should meet to elect a provost, and the like?" At the last Assembly I heard a very long discourse to this purpose, and for answer, 1st, I say, this objection is a fair yielding that it is the people's right originally, and if it be their right from Christ, surely it is not in their power to give it away, disabling themselves for that work, trust, and service, which he hath committed to them for the good of their souls. Hath Christ given them such a right? then they have divine warrant to exercise it. But of this above, on the eighth proposition. 2d, I say, our Lord never designed his church should be modelled by the state, or civil government of burgh, county, or kingdom. Christ's kingdom is not of this world, nor like unto worldly polities, says Mr Hudson. " The princes of the Gentiles exercise dominion,

* Psalm cxix, 63.

but it shall not be so among you," said our Lord to his disciples.* 3d, This objection it lands fairly in patronages, for if people may give away their right to twenty heritors or elders, why not to ten? and if to ten, why not to five? and if to five, why not to two? and if to two, why not to one? he may be a very honest man, and sometimes may happen to make as good a choice as many. 4th, That such or such a set of men, and not the body of the people, have the choice of magistrates, and parliamentmen in burghs and shires, it is their civil constitution which makes it so; and when any shall show the like constitution in the Scripture, the laws of the King of Zion, then, and never till then, must it be so as to the election of office-bearers in his house. And, in England, every burgher, be he rich or poor, hath his voice in the election of their parliament-man. 5th, Were the State to be a rule to the Church, then monarchical Episcopacy should be established, and we should have a pope, at least, in every church; for monarchy may be the best government. And though the civil state is not our rule here, yet I guess the people have readiest their free choice when it comes to a poll election; and it is not so easy to gain by practising upon all, or many, as on a few. If people may give away their right, so may elderships, so may presbyteries, so may synods. I know of no power the one has to do this more than the other, or if it may be taken from the one, so also from the other. And if this of the people's power be not a right originally from Christ, I know of no right at all they have in the affair.

Third Objection. "Popular elections have often occasioned great disorders, bloodshed, and murder, to the scandal of religion, as church history gives an account, and they cannot but occasion confusion and strife when so many are gathered having equal votes;" and at the last Assembly, the late instance at Aberdeen was given as a pregnant proof hereof. This seems to be the Achillean objection, and all the ground on which sundry eminent Protestant divines have given the decisive voice in elections unto others, yet still leaving a negative over all unto the people, and therefore, I hope to be excused, albeit I should enlarge a little in answer to it. And, for answer, 1st, This was Bellarmine's objection, and so it is of all the Popish party that oppose the people's right. This was also objected by Bishop Bilson, who says, "For this the people's right was

justly translated from them to the magistrate."* And the objection is the same with that which is made by some against Synods and Assemblies. The same objection the Prelatists make against purity among Presbyters. The same argument with that of proud, aspiring, ambitious men of old, who brought prelacy into the church, under the specious pretence of preventing confusion, and removing division out of the church; for when diocesan bishops were first brought into the church, none pleaded for them *jure divino*,—no, they pleaded only for them as necessary "in remedium schismatis, et ut dissensionum plantaria evellerentur"—"to be an antidote against schism, and that by them the plants of strife and division might be rooted out of the church." And I doubt not but the argument may be of equal force against both. And this very objection hath been made against calls by heritors and elders, as is evident from the account of lay-patronages in Scotland, supposed to be done by the late Lord Advocate, Sir David Dalrymple. "It is likewise industriously given out," says he, "that the manner of calling ministers, as established by the laws of Scotland, and the Treaty of Union, has been the cause of much dissension and division; and that the votes of farmers, mechanics, and other mean people, have been of equal, or greater weight than those of the chief landed men of the parish, &c.; but if this objection be good, then the practice of the primitive church was erroneous, and Christianity itself culpable, which, though in its own nature a doctrine of peace, has, through the corruptions of men, occasioned divisions among the nearest and dearest relations, therefore this objection cannot be of weight."† But, 2nd, Were this objection of any weight, then people in burghs should all be deprived of their right to elect their magistrates, for many times there hath been confusion and division with a witness, and sometimes blood and slaughter also about their election. And if this argument be of weight, then whatever the custom was formerly, the Popish argument for excluding all but cardinals from councils, and the election of the Pope, is of weight. "Sed postremis 500 annis, neque ad concilia, neque ad electionem admissi sunt omnes clerici, inquit Bellarminus, quod nimis multi essent, sed soli cardinales."‡ And if this argument be of weight, let every Presbytery in Scotland commit their power to two or three men, and, instead of the whole ministers

* Matt. xx. 25, 26.

* Cald. Alt. Dam., p. 9. † Ibid., p. 13.

‡ Ibid., p. 225.

of the Synod being troubled to meet, let only one from every Presbytery be chosen to manage their business; and, instead of calling so many ministers and elders, from far distant places, to our General Assemblies, let one be chosen from every Synod to manage the business of the whole church, for strife and division, to the scandal of religion, hath sometimes happened, and may again happen in those judicatories. And farther, if this argument be of any weight, then heritors, as such, are on far better ground to be excluded from having a voice in the election of pastors, for many instances through Scotland can be given, of vast confusion at elections, when their civil rights came to be considered. Let a late settlement of the parish of Cramond, in particular, be considered, and the Presbytery of Edinburgh can testify what lengthened out confusion was ament it, which kept that reverend Presbytery in hot work for many days. In that, and cases of the like nature, Presbyteries have had difficulties and trouble, of another nature than popular elections possibly can occasion. But, 3d, Were this objection of any weight, then there is no institution of Christ but it behoved to be laid aside. What institution is it about which disorders may not happen at a time? Principal Rule says, "There is no institution of Christ, but inconveniences may follow upon it, as long as sinful men have the management thereof." King Charles II, in his letter to the council, August 14, 1661, having alleged the inconveniences accompanying the exercise of Presbyterian government for 23 years past, as a ground for introducing Prelacy into the Church of Scotland, the Rev. Mr Wodrow, in his remark thereon, says, "Inconveniences may, and do accompany the best constitutions, the exercise of just power, and the execution of the most excellent laws."^{*} The Rev. Mr Webster says, "We do not find that the church, or any particular persons, though magistrates, in any period of time, have got a power from God of altering his institutions, even when their exigencies would have been thought to require it."[†] Bishop Stillingfleet, in his Unreasonableness of Separation, having objected the great disturbances and disorders which popular elections have occasioned in the church, the reverend and learned Mr Clarkson, in answer to him, says, "There is evidence that this (viz., popular election) was the practice of the church for above a thousand years after

Christ, and there are but about ten instances of disorder therein, great and small, for so many ages; now, if every order and usage, though of apostolical institution or allowance, should be exploded, because of some disorder happening about it once in an hundred years, what would be left us that is primitive or ancient?"^{**} And, in his title page, he cites the Doctor against the Doctor, showing how, in his Irenicum, before he got the bishoprick, he had asserted, "The Episcopal men will hardly find any evidence in the primitive church for the ordination of a bishop, without, at least, consent and approbation of the people." As there also, viz., in his Irenicum, Dr Stillingfleet asserts, "The Episcopal men will hardly find any evidence in Scripture, or the practice of the apostles, for churches consisting of many fixed congregations for worship, under the charge of one person." But, 4th, As to the disorders that have happened, or may happen at popular elections, the people are seldom to blame for them. Bishop Stillingfleet having instanced four of the greatest disorders he could find in all church history from the apostles' days, the Rev. Mr Clarkson[†] shows, in answer to him, that people were not to blame for these. The first instance being at Antioch, he shows it was not at the election of a bishop, but it was occasioned by a Synod of Arian bishops their deposing Eustathius, whom they had chosen for their bishop long before, and studying to thrust in one upon them that was judged to be Arian. For his second instance, which was at Cesarea, about the choice of Eusebius, at which Nazianzen complained of the people's unruliness, concerning which, says Clarkson, he says no worse in the issue, than the people proceeded, not very orderly, but very faithfully and zealously. And his father, the senior Gregory, Bishop of Nazianzum, justifies the action, in letters to the governor, as regular, and acceptable to God, and defends what they did as done rightly and justly. His third instance is of a sedition at Alexandria, upon the division of the people, between Dioscorus and Proterius, the people rising against the magistrates and soldiers, who endeavoured to keep them in order, where, at last, they murdered Proterius. Now, Mr Clarkson, in answer to this instance, says that sedition was not raised at the election of Proterius, but after he was installed and confirmed by the common suffrages of a meeting at Alexandria; no part of the tumult but was after that, and the most

* Hist., p. 98, vol. i.

[†] Govern. of the Church not Ambulat., p. 9.

* No Evid. for Dioces., p. 55.

[†] Ibid.

tragical part thereof, when Proterius was murdered, was not till five or six years thereafter. And shall popular elections be decried upon the account of a sedition, whereof nothing appeared at the election? Besides, adds he, those who moved the sedition, and committed the said outrages, were enemies of the Council of Chalcedon, and of the faith then maintained against Eutyches. And shall the people who adhere to the common faith suffer in their power or liberty, because some heretics, in opposition to them, do act outrageously? His fourth instance being at Rome, upon the choice of Damasus, which came to bloodshed for several days, in which 137 persons were slain, or, as others, 187. I find neither Mr Clarkson, nor Principal Rule, who also answers to these instances, justifying the people; here only, they show, that this, and the most of such disturbances at elections, were owing to the "ambition of bishops influencing the people, and leading them into factions." And they cite Amianus Marcellinus, who related this, ascribing that bloodshed, and other disorders in elections, to the ambition of bishops; so that the riches, state, and pleasures, wherewith the chair at Rome accommodated bishops, incited them to make their way to it with all the force they could engage, though they could not pass but through blood and slaughter. And it is observed by both, that, during the first three centuries, there cannot one instance be given of any disorder at the election of a pastor, though the people choosed in these ages of the church's integrity. And later instances of tumults at popular elections are but bugbears; and it is not to be doubted but those same disorders might have happened, though the calling a minister had been lodged in the magistrates and town-council, or in the heritors and elders, only supposing them to be divided, as it happens not rarely, and one part of the people joining with one side, and another party with the other side; or such disorders might happen, though people were neither allowed to vote or consent, as in the late times of Prelacy, when men were thrust in for pastors, upon congregations, contrary to their inclinations, they were received with showers of stones, and violently opposed by the people in some of the best parishes of Scotland.* "Oppression maketh a wise man mad," says Solomon, and to oppress the people in this affair, is the worst of all oppression, and no very great wonder though people be irritate to a pitch hereat. And as to the late confusions

talked of at Aberdeen, I cannot say much, not being well acquainted with that affair; but if the people met with such provocations as was represented at the last Assembly, namely, "that they were not allowed that freedom in voting as consenters, which was allowed them by the former Assembly;" and if objections were then started against the life and conversation of some of them, without ground, then it was not to be admired though the people were highly offended. I think, indeed, no scandalous person is to be admitted to vote at elections, but I humbly think, the tabling of objections at moderations, against a person's life and conversation, looks so like a selfish design, that objections, which have not been heard of, nor tabled before, should not be then received. But, 5th, I am persuaded, that to grant the people the free choice of their pastors, as it is the will of Christ, so it is the readiest and most expedite way to prevent all confusion in elections, the way to remove our present confusions, and the high way to comfortable settlements. Did not he, "that is God only wise," he that hath "all treasures of wisdom and knowledge hid in him," foresee what inconveniences might attend popular elections? who can deny this? yet he thought it meet to give his people the choice of their own pastors, giving as much right in the affair to the poor as to the rich; and to alter his institutions is to accuse him of folly. I say, this would be the way to prevent confusion at elections. Whence do they flow? not from the people, but from heritors. If there be any competition, then there is confusion with a witness in allowing them to vote as heritors. Have we not protest upon protest against this or the other person's having a right to vote, while some assert he is only a nominal heritor, having no more right to vote than the man in the moon? Others protest, he or she is a real heritor or heritrix. Cannot instances be given, where ministers and people have sat ten waiting at elections from ten or eleven of the clock forenoon, till late at night, while this or the other heritor's protest and counter-protest hath been written, ere ever they came the length of asking the sentiment of any heads of families? and no wonder than we have confusions, considering that Presbyteries are not competent judges of the civil rights of gentlemen, nor can they tell who have right to vote as heritors. I could instance three pretended heritors all voting at an election on one side, and their votes sustained for one small

* Wodr. Hist., p. 188, vol. i.

enclosure, having neither family nor house upon it, and none of them residing in the parish; can the like of this but occasion confusion? And I defy the world to show the least confusion that can be occasioned by allowing the people to vote, more than in allowing them to consent, if their consent be inquired into. Give people their free vote, and then, I dare say, we shall not know what confusion means. It is the intruding of pastors upon them that occasions all our confusions. But, 6th, Whatever confusions may happen by popular elections, I say the people are still to have their choice, this being "Christ's legacy to them," as Principal Rule says. "Here the rule and remedy is," says Mr Park: "Tollatur abusus, et maneat usus," let the matter be regulated by acting in it according to the Word of God. "And," says he, "there is no institution either in church or in state, but what, by reason of the weakness and corruption of men, may be abused; yet this is no sufficient ground for laying aside an institution, that is either morally necessary, or positively enjoined by God. And," as he hints, "in case of miscarriages, the civil magistrate may employ his power *circa sacra*, but these can never warrant us to leave the institutions of the infinite love and wisdom of God, and betake ourselves to our own weak and witless inventions in the matters of God."* To the same purpose speaks Calderwood, in answer to Bishop Bilson: "Pii principis est, it is the duty of a pious prince to restrain tumults, not to deprive them of their liberties, to be careful that all things be done decently and in order, not to obtrude pastors upon the flock *invito grege*, or against their will." And then he cites the learned Junius, saying, "Nullus ordinatus prudens et commodus inter homines instituitur, quin adnascantur brevi incommoda de incommodis prudenter cavendis, non de re sancta mutanda temere sapientes videre opportuit." And having told what may be done by ministers and magistrates, in case of a people's being disorderly, he says, "But that the liberty which Christ, the bridegroom of the church, hath given to his bride, should be altogether taken away, *sacrilegium est, rapina est*, it is sacrilege, it is robbery."† "Wherever we have a divine institution, as in this matter we have," says Mr Hog, "there is warrant to seek, and we have ground to expect, the Lord's conduct * * * Human impositions can afford no remedy."‡ 7th, No confusion

can arise hence, but what easily might be prevented, through the Lord's blessing, upon rules laid down for preventing confusion in the choice of gospel ministers. Were it not very easy for ministers of the gospel to keep an exact account of the names of such as are admitted to the Lord's table, recording the same in the session's register? and testificates should bear, that such and such a man was admitted to the table of the Lord. And at moderations, it would be far more easy to call over the names of such men in the congregation as have been admitted, than wait till this and the other gentleman's protest and counter-protest be dictate and written, at which no little sin is many times committed, when civil rights are called in question. The allowing heritors to vote under that reduplication, embarrasseth the church far more, and createth other kind of uneasiness to judicatories, than this could possibly do. And, I am sure, it would prevent much confusion, division, animosity, and contention among ministers of the gospel, occasioned by our present method of settling ministers, while some are for settling upon a call from the majority of heritors and elders, though, may be, the body of the congregation are utterly averse, the better part being also among the opposers. Others, again, they stiffly oppose this, looking upon it as contrary to the gospel method of settling ministers. And whatever veneratio we owe to church judicatories, yet no act, though it were of an oecumenick council, will satisfy the conscience in that which is indeed contrary to our Lord's institutions. For, as one says, "No act or constitution of any under heaven can rescind or invalidate the mandates of the King of kings, or exempt from obedience due thereunto."

Fourth Objection. At the last Assembly it was objected, "That the people's liberty to call was still restricted, albeit the choice of pastors should be yielded to them, for the minor part of the congregation will still have a minister imposed upon them who is not their choice." Now, for answer, 1st, This objection says, there is no freedom in the choice of magistrates or council for burghs; no freedom in the choice of moderators for Presbyteries, Synods, or Assemblies; no freedom in the choice of members for Assemblies, nor in any thing where it comes to a vote. 2d, I say, that as unanimity is always to be studied, as unanimity is most desirable, so sometimes this may be obtained at elections. Sundry parishes can be instanced

* Against Patron., p. 168. † Alt Dsm., p. 9.
‡ Right of Church Memb., p. 17.

where there hath not been a contradictory vote. 3d, This is the dictate of nature's light for regulating all societies, that where different sentiments are, things shall be decided by vote. The London ministers, when showing a thing may be of divine right, when known by the true light of nature, say, "In all matters of difference, the lesser number in every society should give way to, and the matters controverted be determined and concluded by, the major part, else there would never be amend; and why not so in the church?"* So the author of the Assertion of the Government of the Church of Scotland in the point of Ruling Elders, &c., supposed to be the great Mr Gillespie, says, "It cannot be denied that the church is led by nature's light in such things as are not proper to religious holy uses, but alike common to civil societies, at least in as far as they are common to sacred and civil uses."† Were not this to be decided by vote, one contentious person might keep a congregation vacant for many years; indeed, should the major part take wrong steps, then *licet protestari*, or the lesser part may appeal to the Presbytery, seeking to them for redress.

Fifth Objection. At the last Assembly it was objected by some, "That they had heard the old ministers who suffered under Prelacy, testify their great satisfaction with the method of planting parishes with calls from heritors and elders." Now, for answer, 1st, Calderwood, Rutherford, Rule, Park, Foster, &c., so the ministers that lived at granting the second indulgence, so those ministers and gentlemen that drew up the above mentioned petition to the Prince of Orange, were persons that had suffered under Prelacy, and yet they were all for the people's right, and never one of them hath a word anent the right of heritors beyond others. And for such as lived after the Revolution, I know of no ground we have to think they changed their principles as to that point. But, 2d, I doubt not they were far better satisfied with calls by heritors and elders where the people consented, than with abjured patronages; and no wonder. Yet, 3d, I dare say, never any of them were heard to affirm, the people have no right to call their pastors. I dare say, they never heard any of them affirm, there is nothing in God's Word that countenanceth the people's right; I dare say they never said, parishes may be planted whether the Lord's people consent or not; I dare say, they always thought the people were to be regarded in this matter,

and they always took them to be consenting, else they had not desired them to hold up their hands at ordinations or admissions, in testimony of their cordial consent.

Sixth Objection. "To talk of the necessity of the people's suffrage to a minister's call, is to charge the ministry of the Church of Scotland with the guilt of entering by the wrong door, seeing few of them have been called by the people's suffrage." This objection was also started at the last Assembly; and for answer, 1st, The generality of ministers in the Church of Scotland have had, if not the people's vote, yet their consent, being ready to give their suffrage also in a formal manner had they been allowed, and materially such have had that which makes up the substance of a gospel call; yea, where there hath been no opposition to ministers' settlements, there it may be said, ministers had the people's consent, according to that received maxim, "Qui tacet, consentire videtur," or, "he that holds his peace seems to consent." But, 2d, Where ministers have entered by calls from the majority of heritors and elders, while the body or major part of the Lord's people have been averse from, and opposed the settlement, their entrance hath been by the wrong door. Mr Park says, "Where ministers have not had the voluntary consent of the church and people concerned, I see not how they could have been free from the guilt of having run unent."* Yet, 3d, Though 'tis much to be regretted there should be any instance in Scotland, where ministers have been thrust in upon a people contrary their inclination, and without their consent; yet, in my humble opinion, people may submit to the ministry of such without sin, having declared their non-approbation of, and testified against the manner of settlement; and the people's after-acceptance, their approbation and subjecting themselves to the ministry of such, makes him a pastor to them, supplying the want of their election formerly, as Jacob's after-consent and acceptance of Leah made her to be his wife, though far from choosing her at first.†

Seventh Objection. "This is an Independent principle, to give the people a decisive suffrage in the choice or calling of pastors." 1st Answer, It is no ground for opposing or disowning the truth, because maintained by Independents, whom Rutherford, when expressly writing against them, calls "brethren, reverend, learned, and

* Jus Reg., p. 2.

† P. 156.

* Against Patron., p. 141.

† London Ministers' Vind., p. 123.

holy."* And Mr Hudson, when writing against them, calls them "our honoured and beloved brethren." 2d, As Principal Rule says, "We plead for this church power in the people, not for all church power." And as Mr Gillespie says, "We may well go a mile with the Scriptures, though we go not two with Independents." But, 3d, This is no peculiar doctrine of Independents—no, but a truth which hath been owned by Presbyterians as well as them. Our first reformers were no Independents. Calderwood, Rutherford, Wood, Park, Rule, &c., were no Independents, yet this was owned by them. The reverend and renowned Mr James Webster, that valiant champion for truth, was no Independent, and yet in his Discourse of the Government of the Church, its being fixed, he reckons it one of the errors of the hierarchical scheme, that their bishops are not chosen by the *Cheirotonia* of the church, but by the magistrate. The Rev. Mr Herle, prolocutor or moderator of the Westminster Assembly, was no Independent; and yet, when writing against the Independents, he says, "We acknowledge that the pastors and other officers were anciently, and it is to be wished they still were chosen, at least consented to by the members of each respective congregation."† So the learned Apollonii, and many other eminent Presbyterians, who expressly own this, when writing against our brethren the Independents. Never any Presbyterian that I know of opposed this. I own, sundry eminent Presbyterians have been for giving the decisive suffrage to the eldership, allowing them to vote in the people's name; but still Presbyterians have been for the necessity of the people's voluntary consent, looking on this as essential to a gospel call. I know the London ministers are commonly adduced as an exception here, and therefore I shall state their opinion, as an objection, and answer to it.

Eighth Objection. "This of giving people the choice of pastors, is contrary the judgment of those eminent divines the London ministers, met in a provincial Assembly 1654, as is evident from their *Jus Divinum Ministerii Evangelici*, in which they confute this, of the people's right to choose their own pastors, asserting in express terms, "That the election of a minister doth not belong wholly and solely by divine right to the major part of every particular congregation."‡ Now, for answer,

* Peaceable Plea, p. 3.

† Gillespie's Elect. of Pastors, p. 25.

‡ Chap. viii. p. 125.

1st, I frankly yield the whole of their proposition; for if they distinguish between the people and eldership, then I own the elders have a voice with others. And it is the duty of people to consult, advise, and deliberate with the eldership, as to the person whom they design to call; so that election doth not solely belong to the people, or it belongs not so to them as to exclude the eldership. 2d, I own, that by divine right it belongs not to the major part of every congregation to elect the minister; for if the major part of a congregation be so ignorant, irreligious, scandalous, or erroneous, that they ought not to be admitted to sealing ordinances; or if the major part of the congregation be such as will not submit to the ministry of a faithful gospel minister, then they ought not to have a vote, as hath been hinted above. 3d, As the Rev. Mr Lawder observes, in answer to their proposition,* though they tell us, that the election of a minister doth not belong to the major part of every congregation wholly and solely, yet they tell us not what they understand by this wholly and solely, nor do they tell us how far the power of election belongs to the major part of a congregation, nor do they tell us what of this power belongs to others, nor who these others are that have power in this besides the people of particular congregations. 4th, I apprehend all those eminent divines had in view, was to confute the then prevailing sectarian principle, viz., that the people might call such gifted brethren as had not been licensed by presbyteries to preach the gospel, and that their bare election was enough to make a minister without the presbytery's ordination; and, to lessen their esteem of popular election, they attempted to invalidate some of those Scriptures from which they pleaded the people's right to elect. 5th, It is observable, that though they say it belongs not to every congregation solely and only to elect their own pastors, yet they never say it belongs not to the people to choose their own minister; they never say this is the right of heritors, nor do they say this is the right of magistrates, nor do they say this is the right of elders, nor do they say this is the right of ministers. And though they attempt the enervating some two or three Scriptures adduced by Protestant divines, for proving the people's right to choose their own pastors, yet they never say there is nothing in Scripture countenancing this right in the people; they say, indeed, they think no Scripture can be

* Ancient Bishops Con., p. 356.

brought to prove, that the whole essence of the ministerial call consists in election; but they never say, no Scripture can be brought for the people's right of election. 6th, I say, it may be admired by all, how these London ministers came to attempt this, considering how in other places of their writings they have expressly declared themselves for this right in the people, as in the preface to their *Jus Regiminis*,^{*} where they reckon it among the excellencies of the Independent government, that their congregations have the liberty of electing their own officers, pastors, elders, and deacons, asserting, that Presbyterian congregations have the same liberty. Their words, when answering an objection made by some that favoured the Congregational way, are, "What true excellency is there at all in the whole Independent government, save only in those particulars wherein it agrees with the Presbyterian government, and only so far as it is Presbyterian; therefore the Presbyterian government is equally, yea, primarily and principally excellent, wherein is the excellency of the Independent way of government? 1st, Have they only those officers which Christ hath appointed, * * * so the Presbyterians. 2d, Have they those spiritual censures Christ hath ordained * * * so the Presbyterians. 3d, Have they Congregational Presbyteries duly elected * * * so the Presbyterians. 4th, Have they the liberty of electing their own officers, pastors, elders, and deacons? so the Presbyterians * * * And then they instance eight or nine particulars, wherein Independents differ from Presbyterians; which, they say, "are so far from being excellencies, that they are deformities, at least infirmities of that way." There you see they assert, it is a Presbyterian principle that the people have the liberty of electing their own officers, pastors, elders, and deacons, and there they reckon it an excellency of the Presbyterian government that it is so; and there they assert, that it is primarily and principally a Presbyterian principle, not taken from the Independent scheme. And in that book they say, "Ecclesiastical officers are both elected and ordained by the church, without commission from the civil magistrate, by virtue of Christ's ordinance, and in his name."[†] And as formerly they gave the liberty of election to the people, so there they make it Christ's ordinance that they have this liberty, as it is his ordinance that ministers should ordain. And again they say, "Peo-

ple may choose presbyters or other church officers, but the presbytery is to ordain, Acts vi. 3, 5, 6: 'Look ye out men * * * whom we may appoint.' So that the people's bare election is no Scripture ordination," which we also affirm. And even in their *Jus Ministerii Evangelici*, again and again they give this right of election to the people, asserting, "That the people's call may determine a person's ministry in an especial manner to themselves * * * The regular call consists not barely in the suffrages of the people, which makes a person their minister, not a minister * * * A probationer preacheth, that so the people that are to choose him may have experience of his gifts. The mediate ordinary way by which God would have all men to enter into the ministry is by election and ordination, they are both of them distinctly set down in the choice of the deacons, Acts vi. 3, 5, 6: 'Look ye out seven men whom we may appoint,' &c. Nothing can be more distinct than this, that the multitude of the disciples, or body of the people, had the election, and the apostles the ordination. "In a word, the people give being to a minister as to be their minister, but not as to be a minister." They say, "They are much, and very much for popular elections, as well as their brethren in New England, and many in Old England." And when proving it is ordination and not election that constitutes a minister, they say, "For it is not likely that Christ would appoint his apostles, and his apostles appoint extraordinary and ordinary elders, to convey only an adjunct of the ministerial call, and leave the great work of conveying the office power unto the common people." Again, when showing that the people's election gives not the essence of the ministerial call, they say, "That in Scripture ordination is held forth as the greater, and therefore not given to one and the same persons, as appears from Acts vi. 3, 5; Tit. i. 5; 1 Tim. iv. 14; 2 Tim. v. 22." And in their *Jus Divinum Ministerii Anglicani*, they declare, "they are no enemies to popular elections."[‡] Had they not thought them to be founded on God's Word, they had surely been enemies unto them. And sundry other places in their writings might be cited to this purpose. So, after all, it is evident, never men acted more unlike themselves than these London ministers did in this affair. No wonder, indeed, then they were irritate by such as denied the necessity of ordination by presbyters; no wonder then they were provoked

^{*} Pp. 12, 13.[†] *Jus Reg.*, pp. 92, 93, 96, 97.^{*} Pp. 3, 4, 113, 126, 151, 169.[†] P. 16.

by such as said, ordination was, if not anti-christian, yet at best but a circumstance of the ministerial call, which might as well be omitted as used, while they extolled election by the people, making the whole essence of the ministerial call to consist therein; but that they should run to such an extreme in opposing those, can never be justified. In this they confirm the proverb, "Aliquando dormitat ipse Homerus," —"best have blemishes."

Ninth Objection. "The people are not competent judges of the learning, language, and other ministerial qualifications required of pastors, and therefore it would be unreasonable to lodge the right of calling in them. Are not weavers, shoemakers, tailors, ploughmen, and the like, fit to judge of ministerial abilities?" Now, this was Bellarmine's objection of old, and Bishop Bilson's also, who opposeth the knowledge of one prince to all the rude and ignorant people. And for answer, 1st, The suffrage in elections is not given to the people alone, but in conjunction with heritors, elders, and deacons, and magistrates and town-council in burghs, and there may be parity in suffrages, where there is a vast disparity in parts and qualifications. All in sessions, presbyteries, synods, assemblies, and their commissions, are not alike for judgment and parts. 2d, I affirm, many of the commonality are as fit to judge in this affair, yea, and fitter, than many heritors. If ministerial qualifications be found in the sacred Scriptures, then few among the commonality but have a Bible, reading daily thereon; whereas it is the lamentation of sundry, better acquainted with persons of distinction than I am, that many of them read as little in the book of God as if they were afraid of an Inquisition. The king himself, that hath the weighty affairs of a nation to oversee, is not exempted here—no, he is obliged by the law of the King of kings to have a copy of the law of God, and to read therein all the days of his life, that he may learn to fear the Lord his God, to keep all the words of his law.* And let their natural parts and endowments be what they will, they are void of the fear of God, and unfit for choosing a pastor, that can spend a day, and never read a line in the book of books, the sacred oracles, the sweet sweet book of God, though laird of the whole parish. A man may be vastly rich, and *doctus in omniscibili*, and learned *ad stuporem usque*, skilled in all natural sciences, understanding law, so as he might be a senator of the college of justice; so read in all transactions,

that he might be a professor of history; or skilled in divinity, that he might teach in the schools and the like; and yet his judgment not to be depended on, or so much regarded in the choice of a gospel minister, as some poor Onesimus, or servant-man, Job xxxii. 8, 9: "But there is a spirit in man, says Elihu, and the inspiration of the Almighty giveth them understanding. Great men are not always wise, neither do the aged understand judgment." Great men for birth, great men for place, great men for wealth, and great men for natural parts, and great men for learning, they are not always wise; has not "God chosen the poor of this world, rich in faith, and heirs of the kingdom?" And I wish such as make this objection would seriously consider the apostle's words, 1 Cor. i. 26–29. "Not many noble, &c." I nothing doubt the poor as are able to judge, who are "men of honest report, full of the Holy Ghost, and of wisdom," as the rich. If the mysteries of the kingdom be revealed to babes, while hid from the wise and prudent of the world, are they not fit to choose the stewards of the mysteries of the kingdom?* 3d, I say, this objection is something like that of the Pharisees against such as admired Christ, believed his doctrine, and choosed to wait on his ministry, when rejected by persons of distinction in the world. John vii. 49: "But this people," ὁ ἀχλας δύρος, this rabble "who knoweth not the law are cursed." Are not people capable to judge who speaks intelligibly, and best home to their own case? for I suppose Luther's saying holds still true, that he is "optimus pastor, qui populariter, pueriliter, trivialiter, et simplicissime docet,"—"he is the best preacher who delivers God's message in a plain, simple, homely style." Though all rude expressions are to be guarded against, however, a fine, elegant, high style of language in sermons, when ministers are treating about the eternal salvation of souls, is not unfitly compared by some to "paint upon a glass window, which, be it never so fine, obscures and darkens, instead of giving light." This folly of preaching is not "the foolishness of preaching, by which God hath chosen to save elect souls. An iron key, said Augustine, is better for opening a lock than one of gold. I have somewhere read of Cyprian, that he preached once in a lofty style, to show he could do it, and but once, to show he would not. "That is poor learning," says Mr Durham, "which maketh the message less in-

* Deut. xxvii. 18, 19.

* Matt. ii. 25; 1 Cor. iv. 1.

telligible and less useful, and that is truly a learned pastor who can make spiritual mysterious truths most plain and palpable to the simplest hearer."* 4th, If the people be not capable to judge of the learning of ministers, yet it cannot be denied, but they may have a spirit of discerning to judge, and be as fit to judge as men of more learning, of their piety, whether they have a savour of the things of God, and be really religious. And sure, as the Rev. Mr Cowper says, " To be a Christian indeed is the one half of the minister, if not the best half; for without this a man can never be a minister of Christ, one sent and called of God."† Can they not judge whether they preach in a Scripture style, which is the most successful preaching? " One reason why the gospel is so unsuccessful at this day," says Professor Halyburton, " is because the simplicity of preaching is neglected. A due application of Scripture is the best preaching. For confirming of which it is remarkable, that though God may make use of the words of man, in letting into the meaning of it, yet it is the very Scripture word whereby he ordinarily conveys the comfort or advantage of whatever sort; 'tis this tool of God's own framing that works the effect."‡ Are they not capable to judge, whether the minister preaches in spiritual strain? I have seen Baxter cited, saying, " There is in some men's preaching a spiritual strain, which spiritual hearers can discern and relish; and in some men this sacred tincture is so wanting, that even when they speak of spiritual things, the manner is such as if they were common matters." Are they not capable to judge whether the minister preaches Christ, and him crucified, which is the proper work of all that bear the honourable character of Christ's ambassadors? " Christ," says Durham, " is the native subject on which all preaching should run. Paul," says he, " will lay aside his learning, eloquence, and human wisdom, and make the preaching of Christ crucified his great work and study * * * He is the text, to say so, of all preaching; all preaching is to explain him * * * And that preaching which stands not in relation to him, is beside the text and mark. Perkin's definition of preaching, *Ars spiritualis qua unus Christus per Christum, in Christi laudem predicatur;*"— "a spiritual art, whereby one Christ by Christ, to the praise of Christ, is preached."§ And if it be, as credibly reported, that sermons are heard

in the Church of Scotland, and cryed up for non-such, in which there is little or nothing but what the preacher might had though he had never seen a Bible, nor heard of a crucified Christ, it calls for tears of blood, and it is more threatening in our case than all the menaces of Spain, Germany, and Rome. And however fond some may be of that strain of preaching, yet if God draw them in to Christ, they will have other sentiments; as in the case of that " private gentleman, who, in the remarkable passages of his life," tells us, " that before his conversion, spiritual searching discourses did not so much favour with him as moral doctrines, though God knows," says he, " too immoral myself." Are not people capable to judge, whether the preacher be close home, and particular in his application? or whether he insists only in good generals, having no application? If it be not a few overly inferences, I humbly think, with the judicious and learned Mr James Wodrow, late Professor in Glasgow, " That as application is the most profitable, so it should be the largest part of the sermon."* This is the life of doctrine. It should be the life of a minister's life to commend Christ, his first and last breath should be spent in this work. Are they not capable to judge whether the preacher be legal or evangelical in his sermons? whether he press evangelical doctrines, without an eye to the Spirit of the Lord, which is the spring of the church's edification, says Mr Halyburton; when it is otherwise, this is a legal preaching, says he; and he adds, " O Lord, thou knowest how much of it is in this poor church."† And though I hope the gospel of Christ is as purely preached in the Church of Scotland, as in any Christian Church in the world by the generality, yet I fear there is more ground for the complaint in our day among many, than in his day. 5th, Though it should be granted, that, generally speaking, heritors or others are more capable to judge than the people, yet it will not follow, that therefore they are to have the decisive suffrage. For, as the Rev. Mr Lawder says, " Perhaps one witty fellow, such as Diogenes, was able to discern, or had more skill to judge what persons were fittest to be magistrates, or to be put in such or such offices, than the whole body of the Athenians, people who were made up of merchants and tradesmen, and persons of very ordinary capacities. But would it not be

* On Rev. p. 202.

† Sermon on Matt. ii. 8, 9, p. 48.

‡ Memoirs, p. 141.

* Compend. of Methodus Homiletica.

† Memoirs, p. 146.

ridiculous to infer hence, that the power of elections was not, or should not have been lodged in the body of the people of Athens, but in Diogenes? And the reason is evident, for though Diogenes had more skill than way than most, or all the citizens of Athens, yet he could not pretend to the like interest. The right of election naturally resides in, and belongs to them that have the greatest interest in the person chosen."* But, 6th, I think our Lord answers this objection in the tenth of his gospel according to the evangelist John, where he says, "That his sheep, they hear and know his voice, and follow him that is the true shepherd; and that they will not follow a stranger, but will flee from him, because they know not the voice of strangers." Our Lord is far from speaking contemptibly of the meanest of his flock; they have a spirit of discerning as to their pastors to be elected; and to deny them this, "is to make them sheep in a literal sense, that men may rule over them as beasts," as Dr Rule says. And the Rev. Dr Owen says, "To deny them an ability of a right judgment herein, or a liberty for the use and exercise of it, is error and tyranny. But that flock which Christ hath purchased and purified with his own blood, is thought by some to be little better than an herd of brute beasts." 7th, I answer to this in the words of Junius against Bellarmine, "That congregations they judge not simply and absolutely, whether one be fit for the ministry, but whether he be fit to serve in the ministry among them; which two are so different, that of two men offered to a congregation, he that is simply and absolutely the best qualified for the ministry, is not to be for that cause admitted *hic et nunc*, but he who is fittest for that congregation. Now, a rude and ignorant people can judge which of the two speaks best to their capacity and edification." And, 8th, As the presbytery, and not the people, are to try the minister's learning, so, though the people have past by one of brighter natural parts, and acquired endowments, that will not say they have erred in their choice, if of more eminent piety; for many times the man being honest, weaker gifts have been remarkably blest of God, "being enabled by the Spirit to bring out things in another manner, and with another stamp, than all the rhetoric and eloquence of men can do," as Durham speaks.† The apostle, when writing to the Corinthians, says, "I will come unto you shortly, if the Lord will, and know, not

the speech of them that are puffed up, but the power; for the kingdom of God is not in word, but in power." Men may have much knowledge, and be able by great eloquence to express it, and yet be far from that power and life which a native ministerial gift hath with it, as in the case of the corrupt teachers at Corinth, who abounded in human eloquence," says Mr Durham,† who also relates the known notable instance of the power of men's gifts beyond greater abilities, in the history of the Council of Nice, in which a subtil and learned philosopher, who had long kept the Assembly jangling with disputes, was at last convinced, overcome, and converted by a man of small parts in comparison of others, and known to be so small, that the Assembly was affrighted truth should suffer by his entering the lists with such a disputant, who simply propounded the truth of the gospel to the philosopher, power going along with what he spoke; upon which the subtil disputant said, "As long as I was dealt with by words, I did resist words with words; but when power proceeded with words, out of the mouth of him that spake, I was not able to resist." The author of the preface to Rutherford's Discourse of Faith in Prayer, from Matt. ix. 27, 31—whether the very reverend and learned Mr L——n, as is supposed, I know not—he speaks excellently to this purpose: "It is true learning to know Christ Jesus and him crucified; O that the world understood this! And when speaking of Mr Rutherford, he says of him, "He was none of those that seek not so much to edify others, as to be admired themselves, neither did he study the excellency of speech, or the enticing words of man's wisdom; he well knew that saving faith never stood in the wisdom of men, it could never stand on such a bottom, and never was produced by such a cause. To speak in the demonstration of the Spirit and power, with divine evidence and holy energy, is a rare quality, a thing above nature in its highest improvements; it is a gift of heaven. The godly minister that hath this talent * * * if any man be great in the sight of the Lord, this is he."

Tenth Objection. "The people's liberty is preserved, for they may be said to give their suffrage in and by the eldership, who vote in their name. *1st Answer.* It cannot be told when the people gave, or when they give this power unto the eldership. I know of nothing done at the election of elders, from which this can be inferred.

* Ancient Bish., p. 316. † On Rev., p. 192.

* 1 Cor. iv. 19, 20.

† P. 18.

Some of the patrons of patronages say, "The patron chooseth pastors for and in the name of the people;" and perhaps there is little less ground to assert so, than to say, elders vote at elections in name of the people. 2d, I say, that people have not a power to give this privilege away—no, it is Christ's gift to them, and such gifts are not at men's disposal, as was shown upon the seventh proposition. But, 3d, I deny the people's liberty is preserved by the elders having a suffrage, for heritors are sometimes supernumerary to elders, and sometimes elders vote directly contrary the mind and inclination of the people, and sometimes also directly contrary their own inclinations, through the unwearied solicitations of heritors, or such as they have dependence upon. Indeed, if elders were strictly obliged to consult their respective quarters, to ask their votes, and then to vote, not so much their own private judgment, as the mind of the people in their bounds, perhaps it might be said, they gave their vote in and by the eldership; but, to say the people consents, and give their suffrage in and by the eldership, while, may be, the elders vote and act directly contrary to their inclination, is as much as if the Parliament, in the late reign, had declared for some Popish Pretender, and overturning Presbytery in Scotland; and, upon their so doing, it should been affirmed, that what the Parliament did, was with the people's cordial consent, because it was done by their representatives. No doubt, when congregations become vacant, it is the duty of people to consult and deliberate both with heritors and elders, and no doubt these have a decisive voice with others; but then they give not their suffrage as heritors, or church-officers representing the people, but as members of the society or church in which they have their residence. 4th, Elders cannot vote as representing the people, for election is "no act of authority, no act of ecclesiastical jurisdiction, no act of government, no deed of court;" so Rutherford, Owen, Amesius, Bowles. So speaks also the author of the Letter concerning the Commission's Overtures; so the Full Vindication of these Overtures, and many others. Now if this of election be no such act, then elders vote not as they are church-officers, but in common with other members of the congregation. But of their right to vote, more afterwards.

Eleventh Objection. "The people have liberty to except against the person elected, and if their objections be of weight, against

his life or doctrine, the presbytery will hear them, and this may suffice." 1st Answer, If the people have only a liberty to object against the man's life or doctrine, they have no more in the Church of Scotland, but what prelates and papists allow, no more but what was allowed the people when patronages were in greatest force. The Rev. Mr Alexander Henderson, when speaking of election in the Church of Scotland, says, "This liberty of election is in part prejudged and hindred by patronages and presentations, which are still in use there, not by the rules of their discipline, but by toleration of that which they cannot amend, in the meantime procuring, that, in the case of presentations by patrons, the examination and trial by the presbytery is still the same. The congregation, where he who is presented is to serve, is called, if they have aught to object against his doctrine or life, after they have heard him, or that their consent may be had. And if he be found *reus ambitus*, or to have gone about to procure a presentation, he is repelled, and declared incapable of that place."* 2d, If this be all that is allowed the people over which the person is to be placed, then they have no more but what is common to strangers with them. And, I suppose, though there were no considerable number, but only two or three persons of known integrity, and reputed honest men, if they should come from a neighbouring congregation, or as far distant place as John o' Groat's House, and offer to prove the person elected guilty of preaching or teaching error, or to be of a scandalous walk, this would be enough to hinder the settlement for some time. 3d, If this be all that is allowed the people, namely, liberty to object against the person's life and doctrine, being obliged to make good their allegations, this is little more than nothing at all. I think there are about nine hundred and fifty ministers in the Church of Scotland, supposing no vacancies, and may be toward an hundred probationers, and yet perhaps a person or people should undertake a pretty hard task to prove any one of these guilty of error in doctrine, or of scandalous enormity in practice, so as to stop an ordination; and charity obligeth us to think presbyteries would not tolerate such to preach the gospel, where these are notour. What then, must parishes accept of, and resign the charge of their souls to the person called by, may be, a few heritors, not of our communion (or if of our communion,

* Govern. and Order of the Church of Scotland, p. 9.

sundry of them, may be, come seldom to the church, or such as come only in the afternoon, or, may be, only in the forenoon, as some principal heritors in parishes do), and as many elders, whom, by their continued solicitations, fair promises, or severe threatenings, they have got to join them, be the gifts, parts, piety, prudence, and experience of the person called what they will? He may be the very weakest man that goes to a pulpit, a man also of no real religion in the opinion of most that know him, and yet neither be guilty of error in doctrine, nor scandalous in his practice. What then, must the people submit to his ministry, whom the heritors have got chosen, may be, to please a friend, I shall not say, some ministers, to strengthen a party, though capable perhaps of being biased in this point? If all the people's privilege be only a liberty of objecting and libelling the person chosen, if they can prove any thing, then, as the Full Vindication of the Commission's Overtures says of the consultative vote of general sessions, "What an airy privilege is this, to have their advice asked, but without any efficacy!" People may be very displeased with a person, most unwilling to have him their pastor, and their aversion may be founded on very solid grounds, while yet they are not able to prove him guilty of teaching erroneous doctrine, nor of a scandalous walk; both these may be, and they unable to prove their charge, or neither of these may be, and he unqualified for the work of the gospel among them. But, 4th, Though the person chosen should be both orthodox and of blameless walk, having competent parts, and really religious, yet all this is not enough; if the Lord's people desire a better, they ought to have their free choice. Calderwood confirms this, when answering an objection of this nature: "Si quis dixerit patronum non quoniamlibet debere nominare, sed sacro munere dignum, ab episcopo examinandum, quem rejicere potest episcopus, si compertum fuerit non satis idoneus." To which he answers, "At tollitur tamen libera electio dignioris, is eligendus est ex omni populo qui praestantior est, qui doctior, qui sanctior, qui in omni virtute eminentior, ut ait Orig."^{*} And hereby the people's liberty and freedom of election remains under restraint; for though they had power to reject never so many, yet, if they have not the power of election, they shall never have the person they chiefly desire, and would be most acceptable unto them. To this purpose speaks Mr Park: "So Apol-

lonii, electio pastorum," says he, "non ligata, sed libera esse debet, non positiva, sed comparativa, qua ex pluribus unus eligitur maxime idoneus." So Voetius, and others.

Twelfth Objection. "This of giving the people a decisive voice, or joint suffrage with elders and heritors, is a direct condemning the practice of the Church of Scotland in all former times." Now, for answer, 1st, I deny that it is contrary the practice of our first reformers, for they gave the vote, in election, to the people of every congregation, as was shown above. 2d, As for that act which gave the decisive voice to Protestant heritors and elders conjunctly, it was never the deed of the Church of Scotland, though she went in and submitted to what was appointed by the civil law at that time, though contrary her former constitution. But, 3d, As this of giving a decisive voice to the people, with others, perfectly agrees with the First Book of Discipline, and practice of the Church of Scotland at the Reformation, so there is no great difference between this and her decision, when the Second Book of Discipline was composed, nor between this and her Directory for Election of Ministers, 1649. Yea, so small is the difference, that some of those who opposed the people's being called as consenters, in the affair of Aberdeen, at the last Assembly, they said, "They could see no difference at all between calling them as decisive voters, and making an exact inquiry into their sentiments as consenters." And, indeed, I own the difference is but small, while, as the Church of Scotland required, their consent be inquired into, and people not obliged to object against the man's life or doctrine. And, in all ages, the Church of Scotland hath judged the people's hearty free consent and approbation, to be as essential to a minister's call, as the elders' election; they always declared it unlawful to thrust any man upon a congregation against their will, as is evident, to a demonstration, from her acts and decisions above particularised. The people were not obliged to libel the person chosen, if they objected—no. If it was not their will to have him for their minister, or not satisfied, that was enough. If the Rev. Mr George Gillespie, "in and by whom," says Rutherford, "Christ did more than by twenty, yea, an hundred gray-haired and godly pastors,"—if he, I say, was capable to understand

* Letter to him, which is the 54th of the Second Part.

the sentiments of the Church of Scotland, then he asserts, the elders were as much obliged to give a reason why they choosed such a man, as the people why they refused him to be their minister; and if it was enough, the elders were satisfied, and judged him fit for that charge, it was also enough to hinder his settlement, if the greater part of the people thought otherwise. His words, for proof of this, have been cited above. If they have no more but liberty to object against his life or doctrine, they had no power of calling at all, for they have this power at any time in their life, or the man's life, and will get him turned off, too, if they can prove him erroneous in his doctrine, or scandalous in his conversation. And had the rights of the Lord's people been preserved, as secured to them by the acts of the Church of Scotland, all our confusions at elections had been prevented, and I think the world had never been troubled with any discourse of this nature, though the granting the people a negative is the very least that can be allowed them, as the above cited Mr Boyse asserts.

Thirteenth Objection. "If it be the right of the people to choose their own pastors, women, as well as men, are surely to be admitted voters in the election of ministers, which is ridiculous, say some, and most absurd to imagine." Now, in answer, 1st, Seeing those that stand up for a right to heritors, do also allow of heritrixes their voting in the affair, it is ridiculous in them to start any such objection. 2^d, It is as agreeable women have a voice in the affair, as that heritors, *qua* heritors, should have a suffrage; and it is as agreeable to Scripture, and a thousand times more agreeable to reason, that women of Presbyterian principles should have a suffrage in the election of our pastors, than that heritors not of our communion—heritors that are avowed enemies to our constitution—heritors that long to see our Jerusalem laid in heaps—should have a vote. 3^d, Though the souls of women be as precious as the souls of men; and though many women have far more real religion than the most of men in such or such a congregation; and though some women are far more capable to judge in the choice of pastors than many men; and though, in Christ, there is neither male nor female, both sexes being equally dear unto him; and though, in the church triumphant, all will be equally privileged; yet the woman being the weaker vessel, the woman being made of the man, the woman being made for the man, the woman being first in the

transgression, man is made the head of the woman, and honoured of the Lord with some privileges above her in the church militant, whereof I humbly think, the election of pastors may be one. And, as under the law, women were said to be circumcised in the males, so now, in the calling of gospel-ministers, perhaps they may be said to give their voice in them. "The head of the woman is the man," says the apostle, 1 Cor. ii. 4th. As our divines solidly argue, against Romanists and Prelatists, for the people's right, from the hand they had in the election of Matthias, Acts i., and from their choice of the deacons, Acts vi., so I humbly think the brethren only voiced in those, Acts i. 16. There the apostle speaks to men and brethren, or to men brethren, as the words are according to the original, ἀνδρες ἀδελφοι, without a copulative, by which male brethren seems only to be understood. The number of names at that time, that is, of the men, says Dr Owen, was about an hundred and twenty. Some think the word names signifies men, in opposition to women, for it is men that used to be numbered in genealogies, and in their names the family remains, which perishes in women. And, in the sixth of the Acts, the apostles desire the brethren to "look out from among them seven men," &c. And, perhaps, we may as well say, they were allowed to look out and choose men or women indifferently, as to say, they spake unto them indifferently; and this is confirmed by the practice of the primitive church, and such as lived next to the apostles' days; for, as they gave the decisive voice to the people, so to the brethren, brotherhood, or fraternity, only as in the above mentioned election of Sabinus to Emerita, and of Fabianus to Rome. 5th, Sundry good divines think this privilege may be denied to women, by what the apostle says, 1 Cor. xiv. 34, 35, "Let your women keep silence in the churches, for it is not permitted unto them to speak, but are to be under obedience, as also saith the law." And by keeping silence in the churches, I conceive the woman's keeping silence in voicing for the planting of churches, is included. The Rev. Mr Park asserts, "That the Word of God expressly discharges the woman to be admitted to any voice in ecclesiastical matters," citing the last mentioned text of Scripture for proof of his assertion.* And so the famous Voetius, who says, "Repugnat juri divino, antiquitati, reformationi, rationi, ut femina exerceat in ecclesia publicam potest-

* Against Patron., p. 22.

tatem, cui in agendis ecclesiasticis per se nullum relinquitur suffragium, 1 Tim. ii. 12; 1 Cor. xiv. 34; idem dicendum de pueris et catechumenis," that is, "It is repugnant to the divine law, to antiquity, to the Reformation, and to reason, that a woman should exercise any public power in the church, to whom there is no suffrage left in ecclesiastical transactions, as appears from 1 Tim. ii. 12; 1 Cor. xiv. 34; and the same is to be said of boys and novices in Christianity."* Now, women being to keep silence in the churches of Christ, and their not being permitted to speak in them, is an exception from a rule, and says plainly, there are cases concerning the Church of Christ, in which women have not the same power and privilege with men. There is no apparent reason for restricting that Scripture to authoritative preaching in the church. And both Presbyterians and Independents, at their above mentioned agreement, in 1690, made this an article, "That the election of pastors should be given to the brotherhood," or to the men of that particular church over which the minister was to be set. But, 6th, It is evident to a demonstration, the apostle, Acts i., and also Acts vi., speaks to men indifferently, without distinguishing between rich and poor, church-officers and others; so, if any shall make it evident, that the apostles spoke to men and women indifferently, or equally, in those Scriptures, and that the women had as great a hand as the men in the election of Matthias and the deacons, and the messengers of the churches, then I affirm it will be so far from an absurd thing to allow women a joint suffrage with men in the choice of pastors, that it will be commendable duty, highly rational, and well-pleasing to the Lord, to grant this privilege to them; and I affirm it would be worse than an absurdity in any to talk of absurdity in writing after approven apostolic practice. And, 7th, I am far from their opinion, who are ready to say to women, "Ye have nothing to do with the election of ministers,—meddle with your rock and your reel;" for I think they are not only to pray for pastors according to God's heart, but also they are to advise their husbands, and others having power to elect, and their advice is not to be slightly regarded; they are to bestir themselves to the utmost to have a faithful gospel-minister settled among them, dealing

earnestly with all having right to choose, that they act so as they may have peace and joy in reflecting upon their conduct. Women have many times been honoured of God, to do him meikle service in this and many other ways. The Iberians were converted to the Christian faith by a poor captive maid, as is recorded by Frumentius.* And I am for giving as much to women, in the election of pastors, as ever any Protestant church, for ought I know, gave unto them; and I am for giving as much unto women as our opposites give unto men, namely, a liberty of consenting, a liberty of giving testimony to the person elected, and a liberty of objecting, if they have any thing to say against the life, conversation, or doctrine of the person elected for pastor; and I think their testimony, consent, and hearty approbation, is very desirable; and, for my part, I think I would be as averse from a settlement, where any number of women, really religious, were known to be opposite to the settlement, as if they were so many men, though I think their formal voice is not to be called for; and I apprehend the modesty of the generality of that sex is such, that they are far from desiring this as their privilege. And to conclude this head, giving, but not granting this, or the like objection, to be such a difficulty as could not be easily solved, it is far from being enough to invalidate what hath been advanced and confirmed by the unerring rule of God's Word, and judgment of many orthodox divines founded thereon, namely, that people have right from Christ to choose their own pastors. Such or such a proposition may be a solid truth, and what we have all the reason in the world for assenting to, and yet it may be pressed with difficulties we cannot easily remove, nor answer to satisfaction. The Rev. Professor Jamison, in the forecited place, namely, the sixth chapter of his *Cyprianus Isotimus*, when answering an objection or exception of Mr Sage, his antagonist, "But what," says he, "though I could answer nothing to this, what though he could twist a thousand consequences, and each of them a thousand times harder than this, they would indeed be knots and difficulties; yet they could never much move any that earnestly considered what is above made unquestionably clear." And so I may answer in this case.

* Pol. Eccl., par. 2, p. 608.

* Jus. Minist. Evang., p. 8.

CHAPTER VII.

WHEREAS, besides the people, there are sundry pretenders to this privilege of choosing pastors, I come now to show how groundless all their pretences are. And,

1. Many Romanists have pleaded for this as the undoubted privilege of the Pope of Rome, the successor of Peter, to whom Christ gave the keys of the kingdom of heaven, asserting, "that such only as have authority from him have right to elect, and any right the people ever had was by his connivance, or concession from him." So Bellarmine, and sundry other Romanists, have asserted. And no wonder, then, they ascribe this right unto him, seeing they assert he is "the absolute sovereign over all the churches on earth, over their kings, their bishops, their people, and this by a divine indefeasible right, being the vicar of Christ." But if, instead thereof, he be the "grand antichrist that was to come with lying wonders, having horns like a lamb, but speaking like a dragon, and drunken with the blood of the saints; the man of sin, and son of perdition; he that opposeth Christ, and exalteth himself above all that is called God, above all the gods or kings of the earth; so that, as God, he sitteth in the temple of God, showing himself that he is God;"* dispensing with the laws of God, allowing the nearest relations to marry, and forbidding the very reading of Christ's laws in his dominions, while the Turkish Alcoran is permitted,—then surely Christ never intrusted him with any such power. But this his pretended right being justly exploded by all Protestants, I shall not insist upon it.

2. Some have pretended this is the right of diocesan bishops, and so have sundry of the Church of Rome; but if the diocesan bishop be an officer the King of Zion never instituted in his kingdom, then surely our Lord never lodged such a power in him; and I think it was not till Bishop Laud's days that the divine right of Episcopacy was dreamed of by Prelatists in England. Archbishop Whitgift is said to have licensed Erastus his book, and written upon one of the finely gilt copies, "Intus quam extra formosior." And by the Act of Supremacy in Scotland, November 16, 1669, "It is enacted, asserted, and declared, that his Majesty hath the supreme authority and supremacy over all persons, and in all causes ecclesiastical within this kingdom;

and, by virtue thereof, the disposal of the external government and policy of the church in all ecclesiastical matters, persons or meetings, is put in his Majesty's hand, and the hands of his successors, as an inherent right to the Crown, without any restriction, distinction, or limitation by former laws or customs,—all acts, laws, customs, constitutions, contrary to the said supremacy, being expressly rescinded and annulled." Our bishops who voted in this supremacy, never dreamed of any thing like a *jus divinum* for episcopacy—no; by this power given to the king, he might turn it to the door to-morrow, and settle Presbytery; or, if he should think meet not only to overturn Prelacy, but declare the Roman pontiff head of the church, it could not be contradicted as being contrary to law.

3. Some have pretended, and would pretend, this is the presbytery's right to choose pastors for people in their bounds; but though the pastors have right to moderate at elections, right to try and examine, as also to ordain the person elected, yet it is not their right to elect. As the Church of Scotland hath declared "a minister's call consists in election and ordination," so she hath declared, "that the rights and interests of presbyteries and people, in the calling of gospel ministers, is distinct."^{*} And Mr Rutherford, who knew the sentiments of Presbyterians pretty well, when speaking of Independents, he says, "Both we and our brethren deny that election is in the hands of church guides or ministers."[†] And when answering an objection, namely, "That if election be absolutely in the people's hand, then is the people's will, because will, the absolute determiner who shall be the pastor to such a flock; but people certainly may err, therefore the presbytery must be the last determiner in election, and people have only a rational consent, and if their consent be irrational, the presbytery must choose for them." Now, in answer to this objection, he lays down four or five propositions, which are very pertinent to the point in hand, and therefore I shall not grudge to give them at full length, the book not bearing in every hand. *First Proposition*— "Neither is people infallible in choosing, nor the presbytery infallible in regu-

* 2 Thess. ii. 3, 4.

^{*} Act 1645. Act approving Prop. concerning Ordin. [†] Peaceable Plea, p. 7.

lating the people's choice; yet is power of regulating the people's choice the presbytery's due, nor is power of election to be denied to God's people." *Second Proposition*—" You must suppose the church a settled and an established church of sound professors; for if the congregation or presbytery, either of them, be, for the most part, Popish, Arminian, or unsound in the faith, in so far hath Christ given neither power to one or other." *Third Proposition*—" When it is acknowledged, both by people and presbytery, that, of two or three men, any one is qualified for the place, then the man is absolutely to be referred to the people's choice; and though the people give no reason why they choose this man rather than any of the other two, yet is the people's choice reasonable; for, no doubt, Acts vi., there were more men than those seven of good report, and full of the Holy Ghost, and fit to be deacons: therefore the multitude's choice of those seven, and their nomination of them to be deacons, rather than the nomination of any other men, is rational, and approved by the twelve apostles, though they gave no reason; yea, though Nicholas be the sectmaster, as the learned think, yet the election is ecclesiastically lawful, and needeth not that a reason be given to the apostles." *Fourth Proposition*—" We never read in the apostles' churches that a man was obtruded upon the people against their will; and therefore election by the people in the apostolic church must be our rule, as Acts i. 26, and vi. 2, 3, 4, and xx. 28; Rev. ii. 1, 2. Any election without the people's consent must be no election, for if it please not the whole multitude, as Acts vi. 5, it is not a choice." *Fifth Proposition*—" We must distinguish election, and a regulation of the election. There is a regulation of the election positive, and a regulation negative; hence the presbytery's power consisteth only in a negative regulation of the people's choice, not in a positive. For example, election is an explicit act of the people, and their birthright and privilege Christ hath given to them, and it cannot be taken from them. If there be any election, it must be made by the people; the presbytery, even in case of the people's aberration, cannot usurp the act of election, because the apostles, who yet had the gift of discerning spirits in a greater measure than the multitude, remit the choice of the seven deacons to the multitude: *Ergo*, the presbytery should do the same, yet may the presbytery negatively regulate the election; and if the people, out of humour of

itching ears, choose an unfit man, in that case the presbytery may declare the election irregular and null;—as, suppose the multitude, Acts vi., had chosen such a man, or all the seven men, like Simon Magus, the twelve apostles, by their ministerial power, might have impeded the election, or rather the nomination, as irregular, and put them to choose other seven men; but the apostles could not have chosen for them other seven, for then election should have been taken out of the people's hands. The king may punish pastors who preach heretical doctrine, and vitiate the sacrament, but the king cannot preach the word himself, nor administrate the sacraments; so the presbytery may regulate negatively, and hinder the election of an unfit man, but the presbytery cannot do as the prelate did, who would name a man to the people, and desire their consent (but consent is not all, the presbytery and neighbour congregations have consent, but not elective liberty, given them by Christ), but if the people refused their consent, the prelate, without more ado, chose and ordained the man, and so he was obtruded on the people without any election at all,"*—and so far he. And whatever band the clergy had in elections of old, yet Bilson owns, "that if the most part of the people did agree, they carried the election from the clergy," as was noticed above. And the Rev. Mr Lawder, as an *addendum* at the close of his *Ancient Bishops Considered*, says, "Very well, we can think that the people could do more than all the presbyters in the election of the bishop; for, when Cyprian was made bishop of Carthage, there were eight presbyters in that diocese, of which six did oppose his election, and only two of them approved thereof; yet the suffrages of the body of the people, and the two presbyters, carried the election of Cyprian to be bishop, notwithstanding of the opposition made by the six presbyters, and their adherents, or those who joined with them." The author of the Letter concerning the Overtures transmitted by the Commission, says, "He never heard ministers claim this right;"† and I wish they never may. But,

4. Some pretend this is the right of elders,—asserting the decisive voice in elections belongeth only to them. And could I seen foundation from Scripture for giving the decisive suffrage to elders, it is what my private inclinations did lead me to, in regard this hath been the practice of the Church of Scotland for some time, and

* Due Right of Presb., p. 494. † P. 17.

in regard that, generally, elders are among the most judicious and pious in congregations, though, as is too well confirmed in daily experience, sundry of them are far enough from being proof against fair promises, severe threatenings, and continued solicitations to vote for such as are neither their own choice, nor yet the choice of people in their respective districts or bounds. I own the ruling elder is an office-bearer of divine institution, an office-bearer of the King of Zion's appointment, an office-bearer in the House of God and Church of Christ, to whom double honour, love, esteem, and respect is due, upon his ruling well,—an office-bearer to whom the Lord hath committed weighty and honourable work,—an office-bearer that watcheth for souls, as one that must give an account. And as it is the duty of all, so there are special obligations upon elders to be concerned to have their respective congregations planted with able ministers of the New Testament, with pastors according to God's heart, and, no doubt, they have a decisive voice with others in this affair; and I think it is not unfit they have the precedence, going before others in voting; and I think people should consult with them anent a person to be their minister: yet still I deny that it is their peculiar privilege, as church-officers, by any divine right, to call ministers of the gospel. I see nothing in Scripture to countenance this. To give the decisive suffrage to elders, for preventing confusion, is to copy after such as gave away the government of the church to diocesan bishops, for avoiding schism, division, and confusion.* No precept in Scripture for giving the decisive voice to elders, no promise to this purpose, nor have we any Scripture example for this. No scripture instance can be given, where one part of a people or congregation have the decisive voice, and the rest of them only the liberty of consenting; and to say, "Perhaps elderships were not erected in the apostles' time," is a yielding of the cause; yea, this would be a yielding they are not of divine institution; yea, to say that perhaps there were no elderships erected in the apostles' days, is the same as to say the church was defective in one of its constituent parts in their times. And I have known elders, who, instead of reckoning this a privilege, have wished that such a power had never been lodged in them, when, at the calling a minister, they saw they behoved either to disoblige the greater and better part of the congregation,

* Lond. Minist. Vindicat., p. 30.

act against the light of their own consciences, and so displease God, in voting for such as were not their choice, or else be beggared, the master of the land threatening presently to pursue them for all by-gones, or turn them out of house and hold at next term, their tack being done, though their ancestors have had a comfortable living there for many generations. And there is so much undue influence used at elections in the Church of Scotland, in many places, this day, that it is a question if our method of election, by voting *viva voce*, would not be fitly changed to that of giving the suffrage *scriptis schedulis*, in a schedule or piece of paper, writing the man's name they are for; or, it is a question, whether, as history bears,* it was a custom in ancient times, people, at voicing, should not be obliged, with their voice, to make solemn declaration their suffrage is altogether free, and no way the fruit of undue influence. And whatever regard was due to the judgment of elders formerly, yet, if the method of making elders be followed which some are taking, namely, the making them without the congregation's consent, and purely to serve a turn at the election of a minister, or the like, then their judgment is surely of small weight. And it is to be regretted that, in sundry places of the Church of Scotland, they are ordained elders who have not the worship of God in their families, though our acts of Assembly be pointed and very express, that none such shall be elders; yea, if any such be already ordained, the Church of Scotland hath expressly appointed that they be deposed by the presbytery.† Some are said to be guilty here that pretend the greatest veneration for our acts of Assembly; and, if they be not observed to a nicety in other things, are ready to say it is as a sword at their hearts to see them disregarded. But,

5. Some pretend this is the right of the civil magistrate, and some set up for magistrates and town-councils in burghs, as the main electors. Remonstrants and Erastians, seeing they could not prevail with the people in Holland to choose men of their principles, they pleaded for this as the magistrate's right.‡ Magistracy is God's ordinance, magistrates are God's vicegerents, God's ministers, as it is duty to pray for them, so also to honour and respect their persons, to pay tribute and custom to them, to obey all their lawful

* Hog's Discourse on Acts i. 21, 22, 23, p. 16.

† Ass. 1694; Ass. 1697, Act 7.

‡ Voet. Pol. Eccl., par. 2, p. 557.

commands, to be subject to their authority, and that not only for fear of wrath, but for conscience' sake ; and though they have no power *in sacris*, yet they have meikle power *circa sacra*, as our divines speak ; but concerning this right in them, there is nothing in Scripture. Mr Henry, commenting on Acts xvi. 9, says, " He that called the apostle to come over into Macedonia, was not a magistrate of the country." The apostolical canons, confirmed by the sixth General Council at Constantinople, deposeth all bishops chosen by the civil magistrate, "*in rebus ecclesiasticis*," &c.—" If any bishop obtains a church by means of the secular powers, let him be deposed and separated from communion, with all his adherents."* And this canon was revived by the second Council of Nice, which some call the seventh General Council. The magistrate, as a magistrate, is not a formal member of the church, as Rutherford says, † and, therefore, surely as such, he cannot have right to nominate or elect ; his authority as a magistrate may be valid, though a Papist or Infidel, for, as our Confession says, " Infidelity, or difference in religion, doth not make void the magistrate's just and legal authority, nor free the people from their due obedience unto him." The meaning of which I take to be this, that though infidelity or difference in religion doth not make void one's authority where it is lawfully invested, and where the magistrate rules according to the good and wholesome laws of the land, the people having engaged to him, and he keeping his coronation oath to them, yet infidelity or difference in religion may incapacitate a person, and lawfully seclude him from the government. Our Confession speaks not of right, but authority which a person hath, not till he come to the crown, then he receives princely authority, as is asserted in the 8th chap. 1st Parl. James VI., by which act, all our kings are obliged to maintain the true religion, and to abolish all false religions, among which Popery was then judged to be. And though our Confession says, " Infidelity, or difference in religion, doth not make void the magistrate's just and legal authority," yet there is nothing therein to hinder a king and parliament justly to enact, that all such be excluded from the supreme authority, as by their principles are obliged to do their utmost for rooting out the true religion, instead of maintaining thereof. And it can never be imagined, that an assembly of such judicious divines, as that which

* Can. 29.

† Due Right of Presb., p. 390.

composed our Confession of Faith, who, both by preaching and printing, did so much encourage the Parliament (that called them) in their opposing King Charles I., displaying a banner for his prerogative, against religion, liberty, and law, though they, nor other Presbyterians, were never for taking away his life ;—I say, it cannot be imagined, what way they could drop this as a principle and part of our religion, which would destroy and sacrifice all religion to the lust of a raging tyrant, were that position to be understood in the sense of such as set up for indefeasible hereditary right, passive obedience, and non-resistance. And it is just, Protestants should have as much concern for the security of their religion as Romanists for theirs ; and it is known, none can have the throne in France, Spain, Poland, and other Popish countries, that are not of the Popish religion.

But to return : if this be the right of a magistrate, as a magistrate, then it is the right of every magistrate, whether Jewish, Heathenish, or Christian, for *quatenus ipsum* includes *de omni*, say the London ministers.* But farther, this is a spiritual and ecclesiastical privilege, as hath been shown above ; and magistrates and town-council in burghs, are chosen to manage the civil and secular affairs of the town or city only ; and often they are far enough from being the most religious in the place. He may be a magistrate in a burgh, and a counsellor, and yet have no more concern about his own soul, nor the salvation of the souls of others, than a brute. He may be a magistrate or a counsellor, and have the chief hand in managing the affairs of a city, and yet inclined to the Arian scheme ; or a deist, denying the Scriptures to be the Word of God ; or a Dodwelian, looking on Presbyterian ministers as destitute of authority to preach the gospel of Christ ; a magistrate or counsellor, and yet be drunk every night before he go to bed, and have little or no regard to the Lord's day ; a magistrate or counsellor, and yet dread nothing more than that a faithful ministry should be settled in the place ; a magistrate or counsellor, and yet a person that could not be admitted to partake in sealing ordinances. Those honest Presbyterian ministers who drew up the grievances as to the second indulgence, 1672, in the first head they say, " The acts anent it appear to us to be nothing else but the actual exercise of Erastianism, in so far as the council is pleased not only to dispose on persons and places, but to make application of persons

* Jus Regim., p. 80.

to places for the exercise of their ministry, as if it were proper to the magistrate to judge of the spiritual state and condition of the people." No doubt magistrates are to be regarded, and people are to consult with them, and their judgment, *si pii et fideles*, is much to be regarded, and they may have precedence in voting, but nothing like the sole or main power in election. But,

6. Some have pleaded, and do plead, "this is the right of heritors, above others, to elect the pastors, at least of congregations where they reside." No doubt, as I said before, civil respect is due unto gentlemen, according to their quality, birth, blood, wealth, and station in the world, and it is a great mercy to the Church of Christ when the rich among the people, and persons of greater influence in a congregation, are ready to join in the calling of faithful gospel ministers, and double honour is due unto them if really religious; and people ought not only to consult with such, but also to have a veneration for their judgment. But seeing there is not a word in all the Book of God to countenance this of giving the decisive voice to them, excluding people of an inferior rank, though never so religious, their plea is groundless. This is a privilege belonging equally to rich and poor, as hath been shown above on the *Eighth Proposition*; as also, the confusion which their voting, as heritors, frequently occasions as to their civil rights, of which ministers of the gospel are not competent judges, is argument enough against this, seeing there is nothing in Scripture for proof of their pretension or right in the affair, as was also hinted above. This is a spiritual privilege, which heritage, or ridges of land can never entitle to. And it would look, too, like a lording it over God's heritage, were ministers of the gospel to take this spiritual privilege from the people, because they have not earthly heritages, giving it unto lords and lairds. Bishop Bilson having objected, "That hinds or country-fellows at service, have not riches to pay a part of ministers' stipends, and therefore should not be allowed the privilege of calling;" in answer to him, Calderwood says, "Agricolæ non minus sunt membra ecclesiæ quam ipse dominus villæ," &c.—"Plowmen are no less members of the Church of Christ than the lord or laird of the land; and in Christ there is not bond and free, but all are free. If they are to be excluded from this liberty, to wit, of election, they may also be excluded from the church itself, on this very

account, that they are country-fellows, plowmen, and servants." And what heritor is he that looks not on patronages as a grievance, if it be not patrons themselves? And should this privilege be lodged in the quality, would not the gentry complain of this as an unjust usurpation? or, should it be lodged in two or three of the oldest and richest families, two or three of the richest heritors in the parish, would not the rest complain and cry out of this, as an unaccountable encroachment upon their Christian liberty? And as good ground have people that are not heritors, or people of meaner circumstances, to complain in this case. May not one be a considerable heritor, and none of the wisest of men for all that? *Fortuna faveat fatus.* May he not be an heritor, and a very considerable heritor too, and that in a score of parishes, being worth upwards of ten or twelve thousand pounds a year, and all that wealth been gained by carding, dicing, and other games, and the wealthy heritor be one to whom Prelatists and Presbyterians, yea, Papists and Protestants are alike? let him but have the bag, though he should damn all pastors to the pit, is it not a reasonable thing, seeing he hath the world (no matter how he got it, nor how he use it), that he be honoured with this spiritual privilege of choosing pastors to others, though he resolve, may be, never to hear them so much as once himself? But sundry things are objected here.

First Objection. "Heritors pay the stipend, and therefore reasonable they have a suffrage in calling ministers beyond people of an inferior rank." Now, for answer, 1st, Albeit ministers' stipends come ordinarily through their hands, not a farthing of it comes out of their pocket or purse; may not a man buy as good a bargain of an estate that pays the whole stipend, as if it paid not a penny? Ministers have their stipends out of the tithes, which are by law accounted the church's patrimony, and what the heritor cannot pretend a right unto. But, 2d, Grant the ministers' stipend came out of their private estates, that would not be a sufficient argument for giving them the choice of gospel ministers. Dr Stillingfleet having asserted, "That the liberality of the northern princes in endowing churches, was ground for their interposing in the choice of ministers, so as to take the power of elections out of the people's hand," Dr Rule answers, saying, "The liberality of princes was no sufficient price to purchase gospel privileges from them; that Christ had granted them unto more

than Jacob's pottage was for Esau's birth-right." "And," adds he, "it is a conceit unworthy of a divine, and only fit for a Simon Magus, to say, that the liberality of princes or others to a church, can entitle them to be masters of her privileges." Calderwood speaks to the same purpose, and says, "He that will not build churches, assign stipends and minister expences to the clergy, unless upon condition that he acquire power over the church, *simonia-cum est, impium est*, he is guilty of simony, he is an impious person, but neither godly nor religious." But, 3d, There are many considerable heritors that pay not a groat in stipend to their minister, yea, there are parishes where not an heritor pays a farthing of stipend; and were the argument from stipend of any weight, then it could not be equal; the heritor paying not above a merk, should have as much to say in the election as he that pays a thousand.

Second Objection. "Heritors reside longer in congregations than others, and they can turn their tenants to the door at pleasure, and lay the parish waste, therefore highly reasonable the choice of pastors be granted to them." Now, for answer, 1st, The residence of the generality of people in parishes is as long as from the time of a minister's settlement to his removal. 2d, In many, yea, I doubt not, in most parishes, a great many families may be instanced, who, with their ancestors, have resided as long, yea, longer in such or such a congregation than most, yea, may be, than any of the heritors' families. As tenants and tradesmen do sometimes fit, so heritors are daily removing, either upon their selling of such or such an estate, and buying another; and some heritors make a trade of this, or they are obliged to sell them for payment of their just debt. The estate may be squandered away by a few throws at the dice, and the like, or the males are gone, and the heiress marries a stranger, or the family is extinct. One having observed how the Earl of Essex was run down by Sir Walter Raleigh, and Sir Walter by my Lord Bacon, and my Lord Bacon by the Duke of Buckingham, the Duke by the Earl of Stafford, and Stafford by Sir Henry Vane, and Sir Henry by Chancellor Hide, and Hide by the Earl of Danby, he says, "The wheel of fortune is always in motion; there is nothing so common as to see those at bottom who a little before were at top. Kingdoms and families seem to have periods set to rise and fall. Many of those who styled themselves noble and illustrious, are now lost

among the people." I have a list of the heritors of this parish by me, which was taken at a visitation in 1641, and of upwards a dozen heritors there is not a family remaining of the same name, if it be not one or two, nor related to those former families, if it be not two or three, and it is a good space since most of those were gone, and some of their estates have changed masters oftner than once or twice since that time; whereas, there are sundry meaner families, as farmers, tradesmen, and others, who are of longer abode. And as it is in this, so I suppose it may be in other congregations. At the last settlement of the parish of Aberdour, in the year 1723, I am informed, and I think my information may be depended upon, there were thirteen that voted as heritors, who, with two elders, at length prevailed upon, carried a call against the body of the elders and people; within half a year after that call, three of those heritors sold all the land they had in the parish, other two of them since that time have also sold all they had therein, and other two have sold the great part of what they possessed, and are waiting for a buyer to the rest of their heritage in that parish. Six of those thirteen heritors were not of our communion, and only two or three thereof had residence therein at giving the call, and now there is not one residing heritor in the parish. There is, indeed, an heritor that resides about a quarter of the year in that place, and another whose residence is at London, who hath some of his children there, but none else of all the thirteen heritors have residence therein. And as it is in this, so it may be in other parishes. Looks not this like the gospel method of calling ministers? Is it not worthy of imitation? Heritors are ready to "call their lands by their own names, and their inward thought is, that their houses and family shall continue for ever, but this their way is their folly," as says the Psalmist, "for man being in honour abideth not; and if he want heavenly wisdom and understanding he is like the beasts that perish."^{*} But, 3d, Whereas the objection speaks of heritors having a power to turn the people to the door at pleasure. This is denied as to many of them; for in most parishes more than the double of heritors, and in some ten times their number, have tacks, and may be for a score of years they cannot be turned to the door; and whereas they speak of a power to lay the parish waste, I say, it is not in their power, or

* Psal. xlix, 11, 12.

they have no just power to do this, for *illud tantum possumus, quod jure possumus*, and God hath denounced a wo against such "as join house to house, and field to field, till there be no place," no place for the poor, "that they may be placed alone in the midst of the earth." And if heritors will turn out tenants because they will not compliment them with their vote in the election of a minister, God will resent it, and he may lay their houses desolate; and though "great and fair," he may be provoked to "make them heaps," or to let them stand without inhabitants." And what one says of God's laying the houses of patrons desolate for their undue meddling in the choice of pastors, perhaps is no less applicable here. I'm sure, if they persecute, oppress, or turn them out of their dwellings for no other cause but this, of not complimenting them with their vote, the Lord will require it; and such as suffer, taking the spoiling of goods joyfully on this head, shall be rewarded an hundredfold. Mr Park, when speaking of undue meddling here, he says, "Saul, Uzziah, and Uzzal are standing monuments of God's displeasure against such as meddle in the affairs of his house without his warrant, they are recorded not as idle stories, but as warnings to men in all after ages of the church, not to partake in their sins, lest they also partake in their plagues." But, 3d, Grant there is a greater probability of the people's removing than of heritors, that is no sufficient argument for their not having a vote, else all gentlemen of broken estates, all such as have considerable debt upon them, all that spend above their rents, all that are given to gaming, and may lose an estate in a night, all that are inconsiderate, and ready to engage as surety for great sums, all such as are litigious,—for sometimes there is little difference between a rich laird and a poor, but a plea of law—all that have numerous families and are not frugal, and all heritors that have prodigal or spendthrift heirs, all that have bought land and cannot get it paid, all that are transacting a'nt the selling their heritage, and all that are buying better estates with better mansion-houses, and the like, they should not be allowed a vote; for either it is probable their estates may be gone in a little, or they shall have better mansions, and so will reside elsewhere. As Mr Lawder says, "In a city or corporation, the poorer burgesses are not deprived of their just privilege of giving their suffrage in the election of the mayor, on pretence

that they may perhaps be obliged to remove some time afterward, and dwell in a neighbouring city or place for greater convenience of living. And neither should the poorer sort of believers and sons of God, or brethren of Jesus Christ, such as farmers, tradesmen, or servants, be deprived of their just right of giving their suffrage in the election of a bishop or pastor, for the church or congregation of which they are members at the time, because, perhaps, some of them may remove afterwards, and dwell in a neighbouring church." And I am sure, all that propose this objection, they cannot but heartily condemn the practice of allowing a voice to non-residing heritors, and so *ex malis moribus oriuntur bona leges*, and pleading against the people, because they may remove, they will surely protest against non-residing heritors.

Third Objection. "Prudence requires this, for should heritors, and I may take in magistrates, be deprived of a decisive voice above others, this would irritate to a pitch, and make them enemies to our constitution, and do their utmost to have the Patronage act riveted upon us, and rigorously put in execution." Now, for answer, 1st, Such heritors as look on the Scripture to be our rule and sole judge of controversies, such as are loyal subjects of the King of Zion can never be displeased at denying what the royal law of heaven doth not allow upon them. What heritor that's rich in faith, and rich in good works, and hath a right to the heavenly inheritance, will plead for a Christian, spiritual, ecclesiastical privilege above others, without showing the warrant of the King of Zion for it? And to say prudence requires this, is to accuse him, that's the wisdom of God, of imprudence, seeing he hath determined otherwise. Is not this carnal prudence? As we are to be wise as serpents, so we are to be harmless as doves. Would it not argue commendable prudence for the Church of Scotland, to grant unto heritors the choice of such as shall be licensed to preach the Gospel, should they threaten to turn enemies to our constitution unless this be granted them? However high men may be in this world, yet, as the Rev. Mr Hog says, "No degree of elevation, nor any advantages they enjoy beyond their inferiors, can warrant them to attempt any thing injurious to the liberties of Christ's kingdom. Crowned heads have none superior to them amongst men, yet their care of the churches of Christ, as defined and specified in the gracious promises, is a nursing care, which, in the plain sense of

* Isaiah v. 8, 9.

the words, and in all propriety of language, implieth a care that promoteth, and doth not in the least intrench upon the immunities of Christ's kingdom." * No doubt, heritors have a suffrage with others, and to grant them precedence in voting is what should not be grudged; but to crave a vote as heritors, and a vote more than others, is their sin; and being unlawful in itself, an Act of Parliament or Assembly can never make it just. But, 2d, Though some heritors should be displeased to the highest degree, it is better to please God than man; and should ministers of the gospel please men, they should not be the servants of Christ. And should they turn enemies to our constitution, we have ground to hope God will be our friend, and he hath the hearts of all men in his hand, and if he be for us, he can soon make our enemies to seek our good, making friends of foes. But, 3d, If this of the people's choosing their own pastor be, as Dr Rule affirms, "a grant, right, and legacy which Christ hath bequeathed to his people in his Testament, the Institution of Christ, and the order he hath appointed in the gospel," as I am persuaded it is, then surely 'tis better have all the heritors and magistrates in Britain, yea, and all the rulers and parliaments in the world against us becoming our stated enemies, and that ministers were turned out of their churches, and sent to wander about in sheep-skins and goat-skins, being destitute, afflicted and tormented, than that the Church of Scotland should make an act, depriving the spouse of Christ of that privilege and legacy her blessed bridegroom hath bequeathed unto her in his Testament. 4th, For what is said in the objection of heritors doing their utmost to have the Patronage Act riveted upon us, and rigorously put in execution, I answer, 1st, We have ground to bless the Lord for a sovereign upon the throne, who is friendly to the Church of Scotland; and I am persuaded, were our grievances as to the head of patronages, fairly and faithfully laid before him, and were it represented to the Parliament, that it is judged by the Church of Scotland to be a breach of the Union Act, by which all her rights and privileges are secured unto her, she should not want a redress of this grievance. But, 2d, For my part, I know little difference between the act establishing patronages, and the act determining heritors and elders to be the legal callers, if, as some would have it, people have nothing to say in the call-

ing of pastors, unless they have to object against the man's life or doctrine. And if the call by heritors and elders was nothing but an extended patronage, as was asserted in the State of the Case of Lochmaben Settlement, printed for informing the members of Assembly in 1724, and for vindicating the Commission's conduct in that affair; and if the Full Vindication of the Commission's Overtures, when pleading for the vote of general sessions, had ground to say, "The elders of particular parishes are so few, that to lodge the calling of ministers solely in them, together with the town-council, were really making the town-council patrons, and in effect establishing patronages in burghs by an Act of Assembly; —then I'm sure there is ground to say, that act lodging the right of calling in Protestant heritors and elders, made the heritors patrons in many parishes in Scotland, as in the forecited parish of Aberdour, in which 13 or 14 heritors voted, whereas there were but 11 elders, and upwards a score of feuars might have asked and had their votes; so that grant the elders did represent the people, yet by that constitution they are deprived of their right, and the heritor is *dominus fac totum* in the affair, and so in many burghs, as in a late election in Kirkaldy, in which, as I am informed, upwards of 20 voted, or might have voted as magistrates and counsellors, and about 40 voted, or might have voted as heritors, whereas the eldership consists but of 22 persons. And I wish such as tell us, the elders represent the people in elections, and the people's right to elect is preserved by their voting in their name, would show us how their right is preserved in such a case as this; what is this but an extended patronage? But, 3d, Though that act should be put in execution to the utmost, that would not be the sin of the Church of Scotland, for in that case she is only passive; but if now, when overtures are under consideration anent this, she should make any act depriving the Christian people of their right, she would be sinfully active. Doctor Lindsay, I suppose the same who was made bishop of Brechin afterwards, being posed in conscience at Perth Assembly as to the articles thereof, confessed, "that they had neither reason nor Scripture, nor antiquity for them; yet, to avert the king's wrath, yielding was best." * But such carnal prudence is to be detested.

4. I have heard some say, "that though we are not for giving heritors a vote *qua*

* Right of Church Members, 9 c., p. 9.

* Proceedings of Perth Ass., p. 9.

heritors, or as they are heritors, yet they are to have a vote, and the Church of Scotland gives them a vote, as they are principal members of our congregations." Now, for answer, 1st, Though it should be yielded that they are principal members in congregations where they reside, yet they cannot be reckoned principal members where they reside not, nor are they members there I think in any respect, else one might be a member, and a principal member of a hundred congregations at one and the same time; so 'tis certain non-residing heritors vote *qua* heritors, and under no other consideration. And, 2d, Though I should yield, that heritors of our communion are principal members in our congregations, yet heritors not of our communion are neither principal members, nor members of them at all, and therefore it is most absurd to grant them any vote. Romanists, yea, Pagans, are as much members in Presbyterian congregations as they can pretend to be, while they neither hear nor partake in sealing ordinances with us. 3d, I affirm, that heritage or ridges of land, whatever they do in the commonwealth, will never make one a member, let be a principal member, of a Christian congregation; and I know not what else should make them such, but their having such or such an inheritance, or worldly interest therein. It is a person's excelling in grace, spiritual gifts, and real religion, which makes him a principal member of a Christian congregation; and where heritors are found to excel in these, I frankly own they are principal members in congregations where they reside. The Erastian Vedelius having advanced something like this in favour of the magistrate's right to elect pastors for congregations, the learned Apollonii, in his Answer, says, "Non enim magistratus suscepimus cum domino Waleo et Helmichio, pro praecipuis ecclesiae membris, nisi praecipuis spiritualibus donis sint ornati." And surely where these are wanting, the gold ring and gay clothing, the full coffer and large estate, they stand for nothing in this case. But, 4th, Grant that heritors were to be looked upon as chief and principal members in Christian societies, this could not give them right nor privilege to vote beyond others. Were principal members to have a voice more than fellow-Christians, this would occasion confusion with a witness in the election of gospel ministers. The last named author speaks excellently to this purpose: "Nec enim," &c.—"neither do we attribute any more right in election to such as are chiefer

members beyond others that are not so choice, for we observe no such distinction of right in the practice of the apostles in elections, where, without difference, the same right was allowed to all the faithful members of the church. This would introduce into the church haughty confusion, fertile of contentions, opposite to the condition and nature of the church, if every one were to have less or more right in the church according to the measure of gifts, and as his condition is greater or less,"* 5th, In all other societies, whether civil or ecclesiastic, it would be reckoned unjust and absurd to talk of giving a decisive voice to principal members above others, and there is fully as much reason to say that principal members at the election of magistrates, or members for Parliament, or that principal members in Sessions, Presbyteries, Synods or General Assemblies, should have a voice beyond others, as to say, that principal members in such Christian societies as our congregations are, should be preferred in the calling of pastors to oversee their souls, our Lord having hinted nothing of this in all his Word. However, after all, I grant that when the Lord's people come to elect their pastors, they may please, and I think they should please persons of note, distinction and greater influence in the congregation, in as far as this can be done with a good conscience; and *ceteris paribus*, it were reasonable to elect such as these are, for, rather than another, if as deserving and meet to be their pastor in their esteem, yet notwithstanding heritors are not to be complimented with the decisive voice; 'tis better for people to choose, and ministers to ordain pastors, contrary to the inclination of heritors, though the settlement should prove less desirable to this or the other particular minister, than cross an institution of Christ.

7. Some pretend, this is the right of patrons to elect pastors to Christian congregations. As for patronages, they have been reckoned a grievance to the Church of Christ in all ages. Beza says, "They were devised in *Santanae coquina*,—in the devil's kitchen." "Aburdum est," says Calderwood, "it is an absurd thing, that a patron who is one, and but one member of the church, that he should claim that which is the privilege of the whole multitude. And it is yet more absurd, that this right of election should be transferred to his heirs or others, by donation or permutation."† And indeed it is a most absurd

* Jus. Mag., p. 193, par. 1. † Alt. Dam., p. 592.

thing, that such a spiritual privilege, as the choice of a pastor, should be purchased by money, or go with such a piece of land. "Patronages," says Rutherford, "take away an ordinance of Christ, because the people have power to choose out of many one fittest and most qualified."* Principal Rule calls patronages an oppressing of people in their spiritual rights, and says, "they are a greater bondage than if the whole parish were obliged to eat nothing but what the patron pleaseth." And I may say, a greater bondage than if they were allowed to match with none but as the patron pleaseth. Many have written to excellent purpose against patronages, showing the sinfulness of them, and particularly Mr Park, in his excellent treatise of the Rights and Liberties of the Church, &c., dedicated to the ministers of the Church of Scotland. "There," he says, "we have but too much reason to apprehend, that this unjust and unwarrantable usurpation, is one of these crying sins for which God hath been provoked to lay waste most of the great families of the land." But not to insist here, as the Church of Scotland from the Reformation, and other Protestant churches, have declared against patronages, and many in writing have adduced unanswerable arguments against them, so to me all, or most of their arguments to an hair's breadth, they strike equally against giving the decisive voice to any else but the people, while you leave nothing to the people but liberty to object against the candidate's life and doctrine.

And it is worthy our noticing, that such as write against patronages, they always state the opposition between the patron and the people, and never between him and the eldership, or him and the presbytery, him and the heritors. In pleading against patronages, they still urge, that it is the right of the people in opposition to him.

And if it be still asserted, it is the privilege of any of these, whether magistrates, town-councillors, presbyteries, elders, heritors, or patrons; I ask, *quomodo constat?* how doth it appear? to me it is *gratis dictum*, and I desire such to show Scripture-promise, precept, or example, for founding their right to this, for I can see none of those. And *de non apparentibus et non existentibus idem est judicium*; surely debates of this nature which concern the Mediator's kingdom, and interest of his church, they are to be decided by the law and testimony.*

Let calls be given by whom they will, they are a robbing of the Church of Christ, a robbing the Lord's people, if ministers be placed over them against their will, though magistrates, heritors, and major part of the session, also were made to be against them, if Calvin's judgment be of any weight, then he says, "*Est enim impia ecclesiae spoliatio,*" &c.—"it is an impious or wicked robbing of the church, as often as an overseer is thrust in upon a people whom they have not desired, at least whom they have not approved by their free vote or voice."†

CHAPTER VIII.

I COME now, according the method proposed, to conclude this subject with some Corollaries.

First Corollary. Have people a right from Christ to elect their own pastors, then surely they have right to plead for a voice in the affair, and ground to protest against settlements made contrary to their inclinations. "For," as Mr Bowles says, "*Populo id peculiare,*" &c.—"this is peculiar to the people, that they animadvert cautiously, that nothing be done by the governors (to wit, of the church) to their prejudice or detriment."‡ And if they do not this, I think they are guilty of undervaluing Christ's gift and legacy. Mr Gillespie

tells it from Thuanus, to the commendation of the inhabitants of Magdeburg, that they would not make peace with a certain enemy but upon those terms, that they should have the right of calling and constituting the ministers of the church.‡ "The decrees and determinations of church judicatories, when consonant to the Word of God, are indeed to be received with reverence and submission, and that not only for their agreement with the Word, but also for the power whereby they are made, as being an ordinance of God appointed thereunto in his Word," as says our Confession of Faith.§ But though a Presbytery, Synod, General Assembly, or occu-

* Due Right of Presb., p. 464.

† Past. Evang., p. 16.

‡ Isaiah viii. 20. † Inst., lib. 4, cap. 5, sect. 3.

‡ Pop. Cerem., p. 282.

§ Chap. 31, par. 3.

menick council of the greatest divines were to decree, ordain, and appoint ministers should be settled in congregations whether the people consent or not, it would be so far from sin, that it would be commendable duty to refuse compliance with any such settlements; if there be truth in the 21st article of our old Confession of Faith, to which we stand solemnly engaged, namely, "That if men, under the name of a council, pretend to forge unto us new articles of our faith, or to make constitutions repugning to the Word of God, then utterly we must refuse the same as the doctrine of devils, which draweth our souls from the voice of our only God, to follow the doctrine and constitutions of men."

Second Corollary. Is it the people's right to choose, as it is the Presbytery's to license, then Presbyteries should be concerned to license such, as serious godly people may have full freedom cheerfully to choose,—men of real piety, in as far as men can judge, men of experimental knowledge as well as of parts, men exercised to godliness, for it is when the Lord's priests are clothed with righteousness that his people and saints they shout for joy.* The Rev. Mr Cowper, when speaking of licensing men for the ministry, says, "It is a very great trust that is committed to us by the Lord; the standing of the church, and the flourishing of religion is very much upon it * * * We ought to have good ground in charity to think the men serious Christians we admit to the ministry.† Men of learning and pregnant parts, without piety, have, in all ages of the church, been her greatest plague. We ought not to content ourselves with negative evidences, or negative knowledge. Here, as Mr Durham says, when speaking of trying a person on this head, "That we ourselves know no evil of such a person, and the like, that will not sufficiently exonerate us, that we know nothing against his being serious in religion, is far from being enough to satisfy the conscience;" and he, viz., Mr Durham, cites Mr Wood, saying, "a mere sober, not mocking, serious profession, without more, is not a positive appearance of spiritual supernatural sincerity,"‡ which he reckoned needful in this case; and much more he hath to this purpose, when treating of ministerial qualifications. Learning, gifts, and parts, without grace, have done much hurt to the Church of Christ, and therefore, this, so far as can be known, is especially to be looked after. *Cupit abste-*

ornari diabolus. Weighty are the words of the Rev. Mr Jamison, and I confess they reach a reproof: "Surely that pastor, who lays his hand upon the head of an intrant, and yet cannot say, from his own proper knowledge, that the intrant is endued with that piety, learning, wisdom, and prudence which is required in a minister of Christ Jesus, has a sad and fearful account to make to the Great Judge of the world; and I fear," adds he, "that too many be guilty, and that this sin is none of the meanest grounds of the controversy God is this day pleading with this miserable and oppressed kirk."* This was printed 1713. And as it is applicable to the ordaining, so also to the licensing of teachers; and I heartily wish the many excellent rules the General Assembly of this church hath given, as to the licensing of probationers for the ministry, may be punctually observed, and particularly that which requires Presbyteries to inquire, what sense and impression the person to be licensed hath of religion upon his own soul.†

Third Corollary. Hath Christ given right and liberty to his people to elect their own pastors, then they should be concerned how to improve this privilege. They ought to be deliberate in their choice, for we must reckon as to our improvement of all talents and opportunities, as to the use we make of all our privileges and liberties. A rash choice here may occasion mourning for many days. This is a matter that nearly concerneth the precious soul, a matter of vast importance, not only to themselves, but also to the souls of others. Here people are trustees for others. This is a great trust committed to them from the Head and King of the church, and, if careless in management thereof, they shall reckon for it. People are not left to call whom they will, as Durham says, "If it were a deacon, he is to be a man full of the Holy Ghost." The pastor must not be one that is sensual, wanting the Spirit, but such as, in the judgment of charity, prays with the Spirit, and preaches in the demonstration of the Spirit, and of power.‡ None of such as, may be, secretly mock at praying or preaching with the Spirit. They are to choose such as are able ministers of the New Testament.§ They would beware of such as only or mainly preach and press moral duty, and study to build up a natural religion, but seldom and slightly touch on the great principles and truths of

* Psal. cxxxii. 9. † Ser. on Mal. H., § 9, p. 48.

‡ On Rev., p. 206.

* Sum. of Epis. Contr., p. 24. † Ass. 1711, Act 10.

‡ 1 Cor. ii. 4. § 2 Cor. iii. 6.

the glorious gospel, as if there were no testator, no New Testament, still preaching as if Christ were little more than a political head, to make laws and exact obedience to them, and not a head of influences, giving life and strength to his members, through whom it is they can do all things. They are to choose such as they think are and will be concerned to preach the unsearchable riches of Christ, *—such as they have ground to think are pastors according to God's own heart, † that is, such as will be concerned to commend his Son, a crucified Christ, to their hearts,—such as know something of heart work in religion from their own experience,—such as will be concerned to reach the hearts of sinners, studying to speak home to the conscience, being close and particular in their application of the Word,—such as, in pressing to holiness, without which no man shall ever see the Lord, are concerned to lead them to Him in whom we have not only righteousness for justification, but also strength for all the duties of sanctification, out of whose fulness it is that his people do receive, and grace for grace. Dr Bates, in his funeral sermon at the death of Dr Jacomb, says; “The laying down of moral rules for the exercise of virtue, and subduing vicious affections, without directing men to derive spiritual strength by prayer, and in the use of divine ordinances from the Mediator, the fountain of all grace, and without representing his love as the most powerful motive and obligation to obedience, is but pure philosophy, and the highest effect of it is but ungenerate morality.” Such as, by their walk, evidence their hearts are right with God, being an example to the believers, in conversation, charity, spirit, faith, and purity. He cannot be thought fit to endeavour the saving the souls of others, who yet maketh no conscience in taking heed to his own. “This qualification of holiness is greatly to be respected, both in a people's calling or choosing of a minister, and in a Presbytery's ordaining of one for a people,” says Durham; ‡ “and,” adds he, “seeing this is of main concernment to the advancement of Christ's gospel, and the edification of people's souls, to have ministers according to the Lord's heart, and not men's, to feed the people, and a special promise subjoined to his marrying of a land, Jeremiah iii. 14, and an evidence of his dwelling with a people, let all such, therefore, whether people or ministers, who have a hand in this, be obstested in the fear of the Lord,

* Eph. iii. 8. † Jer. iii. 15. ‡ On Rev., p. 203.

and by the coming and appearance of our Lord Jesus, the great Shepherd of his sheep, that they be wary and circumspect in this most concerning business, as they would not, in that day, be guilty of the blood of many souls, that unholy ministers cannot but be guilty of, and as they would not be accounted partakers with them in all their sins.” * Learning, gifts, and grace are all necessary to qualify one for the work of the gospel, and the last in a special manner, though not absolutely needful to the validity of his ministerial acts.

Fourth Corollary. As people having right from Christ to elect their own pastors, should be deliberate in their choice, so, having chosen or submitted, they should be tender and cautious against forsaking or turning their backs upon their pastors, deserting their ministry upon slender grounds. People would consider ministers are men of like passions with others, their temptations are often greater, the enemy assaults them more violently, it is not lawful to withdraw from their ministry for infirmities, weaknesses, and lesser faults. We cannot expect a sinless ministry; the personal faults of ministers are ground of lamentation, but not of separation, unless of a grosser nature, and persisted in. † Defects as to faithfulness, especially when flowing from a misinformed judgment, are not enough to justify this. And the ground of not being edified would be narrowly examined; they may be edified when they are not sensible thereof, or their not being edified may be owing to themselves, while they hear with prejudice, and the like. It is surely a sin of a heinous nature to do less or more which may tend to weaken the hands of the meanest of Christ's faithful ministers, though they should be far inferior to others in respect to gifts.

Fifth Corollary. That those, who, to please men on whom they have dependence, give their voice in elections, for such as are neither their own choice, nor yet the choice of the congregation, have much to answer for. Man's favour is bought at a too costly rate, when people run the risk of losing God's favour for gaining thereof. I have read of the chamberlain of a great man, that, dying in despair, lamented he had damned his soul to please the duke his master. It is surely a sin of a crimson die to compliment the highest acting against light in this matter, and yet sometimes this is done, and it is to be lamented, many often think sin is rather to be chosen than suffering, judging we may take

* On Rev., p. 205. † Hind Let Loose, p. 228. ‡

a step out of God's way for worldly advantage.

Sixth Corollary. That such office-bearers in God's house as are for settling pastors, whether people have elected or not, whether people consent or not, such as are for settling ministers, though people be opposite and adverse, are far from being so tender as they ought to be. This is sacrilege and robbery. The good of the church may be pretended, but God hates robbery for burnt-offerings. And Calvin says, "*Est impia spoilatio,*" &c.—"it is an impious robbing of the church," as was noticed above.

Seventh Corollary. Such churches are in so far degenerate, as deny the people this privilege of a free election. This is no sign of a flourishing church, when her office-bearers lord it over God's heritage, so as to thrust in pastors, or other officers, whether chosen by them or not. I doubt not it was a true observe of Apollonii, when he said, "*Experiencia ipsa elata vox clamat,*" &c.—"experience itself proclaims this with an elevated voice, that churches are more or less flourishing, as the election is more or less free; and those are the most flourishing, where the Presbytery, instructing and leading the way, the honoured citizens, and the faithful people of an inferior rank, together crave and elect, having the power of receiving such as are worthy, and of rejecting such as are unworthy," as Cyprian speaks. This was the principle of our great and noble Reformers, that people have right to choose their own pastors. And the Rev. Mr Daniel Burgess says, "The divine, to whom the Prelacy, the Dissenters, and the foreign churches do rise up with the greatest veneration, as to a theological prince, doth now name that church, viz., the Church of Scotland, the morning star of the Reformation."* But should we ever have an act, as God forbid, denying this right to the people, leaving them nothing but a bare liberty to object against the candidate's life and doctrine, then farewell to a reformation principle, and to our flourishing. Calderwood, when arguing for popular elections, says, "After free election ceased, golden priests or pastors they ceased, and false bishops introduced Popery or Epicurism."

Eighth Corollary. It is unaccountable in any, whether patrons, heritors, magistrates, or others, to monopolize this privilege to themselves, so as to exclude people

of an inferior rank, being regardless whether pleased or displeased, whether they have their choice or not. Such are guilty of oppressing the Lord's people in their spiritual rights. This is a spiritual privilege, to which the poor of this world, who are rich in faith, have as good right as the richest breathing, a grain of holy faith being preferable to a vast mountain of fine gold. Such are guilty of unjust and sinful usurpation; and, as the Rev. Mr Park says, "As usurpation, in all societies, is deservedly very odious, so, *a fortiori*, in the Church of the living God, the most truly free society on earth, whose liberties and privileges are purchased at no lower rate than the most precious blood of the immaculate Lamb, and eternal Son of God."*

Ninth Corollary. Such preachers as are content and desirous of being placed, fixed or ordained ministers in such or such congregations, whether the people call and consent or not, are far out of their duty, and it looks, too, like their desire of being in the priest's office, is merely, or mainly, that they may eat a piece of bread, † too like unto what they call *crimen ambitus*. "Such," says Owen, "are guilty of an open rape upon the people, as take them without their consent, and while they have not chosen them. Consent is needful to a lawful marriage, the consent of parents is not enough. Preachers of the gospel of Christ are not directly nor indirectly to have the least hand in a forcible entry into the ministry among a people. "For," as Voetius says, "the preacher must not directly nor indirectly procure a call to himself, by means of parents, tutors, patrons, relations, favourites, burgh or county gentlemen, lawyers, military officers, or of such men, who, by threats and menaces, do recommend him to the Synedrion, or particular members thereof." *Vox populi*, here it is *vox dei*; and such as want the call of God, have little ground to expect his blessing upon their labours among such a people. Forced marriages seldom thrive, and so it is here. All should beware of contributing in the least to the oppression of the Church of Christ in her liberties. I think the Patronage Act obliges the patron, with his presentation, to present a person accepting thereof, and declaring his desire and willingness to be settled in such a charge. Now, at making this act, it was generally thought, our friends, by getting that clause adjected, had effectually broken the neck of patronages, judging no

* Funeral Sermon at the Death of Mr Robert Fleming, pp. 76, 77.

* Against Patronages, p. 86. † 1 Sam. ii. 36.

true Presbyterian would ever accept, where there was not a call; and were preachers of the gospel but true to the professed principles of Presbyterians, the Patronage Act could do us no great harm. Such as desire to be ordained upon a presentation, Presbytery and people opposing the settlement, "are," as Voetius says, "divines of the house of Judas Iscariot."

Tenth Corollary. As people have the choice of their pastors, so also of all their other church-officers, namely, their elders and deacons; the arguments adduced for confirming their right to the one, are probative of their right to elect the other; and, as it is a sin to obtrude a pastor, so also to obtrude elders or deacons upon a people. I humbly think the session, with advice of some of the most judicious in the congregation, may nominate such or such persons for elders or deacons, propounding them to the whole congregation for such offices, telling the people, at the same time, that they are not restricted to all those, or any of those, but may come and alter, add, or diminish, as they judge most for edification; and this is agreeable to the method prescribed in the First Book of Discipline, in which, when treating of the election of elders and deacons, it is said, "If any man know others of better qualities within the kirk than those that be nominate, let them be put in election, that the kirk may have the choice."

And *Lastly.* Is it so, that the election of office-bearers in the house of God, and Church of Christ, is the right of his people, then they cannot be justly branded for men of divisive spirits, regardless of the peace of the church, affecters of singularity, and the like, who oppose and dissent from settlements which are contrary the will and inclinations of a Christian people. I own the peace of the Church of Christ should be dear to all, and the want of it is to be regretted at any time, were it with tears of blood; and such as have a hand in disturbing the peace of the Church of Christ, without necessity, the Prince of peace will surely contend with them. "Division," as one says, "is the devil's music; and that which maketh the devil laugh, should make us cry." But however desirable peace is, it may be broken in God's quarrel, and we must rather be men of strife and contention to the whole earth, than join in any thing we reckon sinful, though, in every good man, the least dissent from others will be *resentens animo*, with some sort of reluctance and grief, as being obliged to differ. The lesser party are not always

to blame for division in judicatories, nor are they always most culpable who do not yield, for the bane of peace is many times in yielding to that which others cannot comply with without violenting their light. "Hence," Mr Gillespie says, "one may be inebriate with contentious humour, in standing stiffly for yielding, as well as in standing stiffly for refusing;" and, therefore, he advises, "that people would not be cooled in their fervour against the ceremonies, by the pretence of peace and unity." As many have sinned in disturbing the peace of the Church of Christ without necessity, so it hath been the sin of sundry to study the peace thereof too much. Hence, Mastrick, giving a character of that good man, Martin Bucer, saith, "he was *pacis ecclesiasticae nimium studiosus*"—"too much concerned for the peace of the church." And though peace is to be studied of all, yet they are not chargeable as being of divisive spirits, or disturbers of the peace of the church, who cannot conform to what may be her general practice at a time. It was far from being sufficient proof, that the noble and renowned Mr Robert Bruce was of a divisive spirit, a salamander, regardless of the peace of the church or state, one that sought a name, an affecter of singularity, one that studied to ruin the reputation of other ministers, and the like,—that he would not give thanks to God for the king's deliverance from Gowry's conspiracy, when I think all his brethren of the ministry complied with his majesty's command upon that head, for his refusal flowed purely from want of a firm persuasion of the truth of such a conspiracy, the reality of which was doubted by many in the land as well as by him; and this is owned by Spottiswood in his history. And for their being charged with affecting singularity, and acted from love to popular applause;—as man is not capable to judge of thoughts, designs, and intentions, they may be easy if conscience, God's deputy in the soul, acquit them, while these are before man's tribunal, they are *coram non iudice*, and such as mount the bench will be brought to the bar. While there is a sun in the firmament, the intendent of Rochefort shall never be justified, who suppressed a Protestant minister, when the depoent could say no more, but, "that though there was nothing to be found fault with in his words, yet he perceived his thoughts were not innocent." As charity thinketh no evil, but always puts the construction upon things they can bear; so charitable was the con-

* Preface to Engl. Pop. Cerem., p. 11.

struction of Mr Samuel Bold, a conforming minister of the Church of England, in the preface to his sermon upon Gal. iv. 29, where, after he hath commended the Dissenters, he says, "Indeed, they have been persons that could not be justly blamed for any thing, but that they have straiter notions concerning human impositions in the worship of God, than we conformists have;" "and," adds he, "a very learned gentleman has, upon consideration, given a very just and good reason of this, who expressed himself in these words:—I think their scrupulosity may be of God, and that some men are by him framed unto it, that he hath provided it as a bar and obstacle in the nature and complexion of some devout men against any innovations whatsoever, that dangerous ones may not steal upon the church, for the better maintaining the simplicity and purity of Christian religion and worship." Calderwood relates a speech of the Archbishop of St Andrews, in which he said to Mr Robert Balcanquell, "Many that have little in them will pretend to be zealous for the kirk, to get them respect among the people." * And it is usual for high church to brand the Dissenters for a company of hypocrites, for pretending scruples against the ceremonies. They cannot be justly blamed as disturbers of the peace of a church, who are concerned to obey her just and reasonable acts. And it is an express act of the General Assembly of the Church of Scotland, "That if any member of Presbyteries or Synods find any thing carried by plurality of voices, to any determination which they conceive to be contrary to the Word of God, the Acts of Assembly, or the received order of this kirk, that they urge their dissent to be marked in the register, and if that be refused, that they protest, as they would desire to be free of common censure with the rest." † And though wo will be to such as love the praise of man more than the praise of God, yet a minister's reputation should be dear unto him; for, as Mr Corbet says, "The truth is, a minister's reputation is of great moment to the ends of his ministry, and he is not to be blamed, that is loth it should suffer shipwreck, and an appearance or suspicion of time-serving doth greatly endanger it. If a man should forbear some compliances, which he clearly foresees will bring him into a vehement suspicion, in charity it should be taken, not for an undue valuation of his own credit, but for a tender regard to the honour

of the gospel."* And truly, when people turn desperate as to what name they may have among such as fear the Lord, it is come to a sad pass with them.

But, to conclude, such is the people's interest in the election of their pastors, that their bare election is enough to make one a minister of Christ, where ordination cannot be had, according to his institution; so much is asserted by all, or most of Protestant divines. The Rev. Mr Meldrum, Professor of Divinity at Edinburgh, having, in a sermon against toleration, asserted, "That it will not be easy to prove the people's election, with the magistrates' consent, may not evidence a minister's mission, in case of necessity;" the author of *Mens Tekel*, I suppose, the Laird of Bennochie, maintains that position from sundry considerations; and, in his Second Consideration, he says, "Several of the first reformers were eminent preachers or pastors, though they wanted ordination; they could not lawfully apply to the Church of Rome for ordination, and, in the beginning of the Reformation, they could not have access to other Protestant pastors; and, therefore, being elected by the people in that case of necessity, they exerted the office of a pastor," &c. And, after all, either the people have right by God's Word to elect their own pastors, and their right is secured by Scripture, else the throng of all our Protestant writers have been simple men, not understanding the Scripture, or perversers of Scripture, citing it to prove a falsehood. The fathers of the Tridentine Council anathematize all such as say, "Ordinations by bishops, without the consent or call of the people, are null." Our opposites here are safe from the dint of their anathema, which others are obnoxious to, but 'tis enough to comfort, that "the curse causeless shall not come." Constantius, the son of Constantine, says Mr Gillespie, "did put orthodox bishops from their places, substituting Arians in their room, with the contradiction and reluctance of the churches." † "The like did Papists in the Palatinate, and other places where their dagon was set up again; so did the authors and urgents of the Interim in Germany, so did the Prelates in Scotland, England, and Ireland; upon all which intrusions many unspeakable evils did follow. If we, after a second Reformation, should now permit violent intrusions, this might well be a prologue to much confusion and disorder." And I dare say, should the

* Hist., p. 739.

† Assembly 1644.

* Kingdom of God among Men, p. 175.

† Election of Pastors, p. 22.

Church of Scotland go in to any overture which deprives the people of their right to elect their own pastors, it will be a fore-runner of her speedy ruin. All will own, the calling of gospel ministers is a privilege, but to whom doth it belong? Some plead it belongs to one, some to another, and our divisions on this head are lamentable; but how shall they be healed? how shall our differences be decided? but by opening the testament of our everlasting Father. Excellent are the words of Augustine, when commenting upon the 21st Psalm, where he thus addresses himself to jarring Christians: "Quid litigamus? fratres sumus, non intestatus mortuus est pater," &c.—"Why do we contend? we are brethren, our Father did not die without a testament, he made a testament and so died, and hath risen. There will still be contention about the inheritance of the dead till once the testament shall be produced in public; and when the testament is brought in public, all are silent, that the articles may be opened and rehearsed. The judge hears with intention, advocates are mute, the criers command silence, all the people with eager desire wait that the words of the dead may be read unto them, not from sentences on the tomb of the defunct, he lies without opinion in his grave, and his words are of force. Christ sits in heaven, and his testament is contradicted; open it, let us read it, we are brethren, why do we contend? Let our mind be pacified; our Father did not leave us without a testament; he that made the testament liveth

for ever, he hears our words, and acknowledgeth his own; let us read, why do we contend? when the inheritance is found, or to whom it is found to belong, let us hold by that, open the testament, read it." And to the same purpose Optatus Milevitanus bespeaks the Donatists, " Sed quomodo terrenus pater, quum se in confinio senserit mortis, timens, ne post mortem suam," &c.—" But as an earthly father, when he apprehends himself on the confines of death, fearing lest after his decease the brethren, having broken the bond of peace, should wrangle; before witnesses, out of his dying bosom he brings forth his testament, which will remain upon record; and if contention arise among the brethren, they go not to the tomb, but the testament. He who rests in silence, tacitely speaks from the testament as if he were alive,—he that made this testament is in heaven; therefore let us make inquiry into his will, which, as in a testament, is contained in the gospel." Is not our Lord's testament full? are not his words intelligible? cannot the children's privileges be known by it? was he so short-sighted as not to foresee what might occasion jars among them? or was he so unkind, as, foreseeing those, not to tell what would be their duty, or what belonged to one and what to another? hath he not "set his house in order?" If so, then let his Testament be opened and read, and let us all submit our judgments to his latter will,—glory for a full and clear Testament. And to the blessed Testator's sweet and savoury name be all praise.

THE END.

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Select Anti-Patronage Library.

THOUGHTS

CONCERNING

PATRONAGE AND PRESENTATIONS.

BY ANDREW CROSBIE,* ADVOCATE, [1769.]

Reprinted 1841.

THOSE who feel sentiments of religion, need not be told, that religion is of the utmost importance to mankind; they will leave no method untried that can tend to promote its interest, or to extend its influence.

Even those who never felt its force, will own, that it is a matter of attention to human society. Experience will tell them, that in proportion as religion is unknown, the social ties are weak. Order and good government must assume it for their chief support; for it is religion alone that can form the principles of by far the greater part of the human race; who, if ignorant of it, will hardly be sensible of moral obligations at all.

Hence, even those who are insensible to the impressions of religion, will, from self-concern, and from a desire of the security and tranquillity of society, wish to forward its interest among men. They may differ, perhaps, in their ideas of what the real interest of religion is; but they will, nevertheless, endeavour to prevent its annihilation.

The greater part of every society consists of men who are unable to form proper opinions of things themselves, far less to argue correctly upon abstracted ideas. Of this sort are the common people in all countries; who, being obliged to gain their livelihood by the labour of their hands, have no time to make abstract inquiries; nor can they have such an education as may enable them to make them. Few are so stupid or insensible as not to be conscious of the existence of a Supreme Being, and the reverence and duty that they owe him; but if

* Mr Crosbie is generally understood to have been the original of Pleydell in Guy Mannering.

they are left to themselves, this produces no other effect than either a gross and absurd superstition, or a careless reliance on the protection of the Deity, without inquiring after or regulating themselves by his laws.

It is from the instruction of others, then, that such people are to learn the true nature and end of religion ; and these instructions must be reiterated frequently, else they cannot have their due effect. To instruct every person, and to form their ideas with respect to religion, an established clergy has been formed, from whom the most important services to society may be expected.

By means of the clergy, the whole inhabitants of the country, but in a more particular manner the lower class of people, are imbued with the principles of religion, and their manners are formed according to its dictates, which include every important duty incident to human life.

In proportion as clergymen are active and vigilant in the duty of their office, the manners of a people are more or less perfect ; and that country may be said to be in the highest state of civilization, where the purest doctrines of religion are most universally taught, and where the clergy are most assiduous in discharging their duty of teaching them.

It is, therefore, an object of the highest attention to every well-governed state (even viewing things in a political light alone), to put the establishment of the clergy on such a footing as may be most conducive to the instruction of the people.

This hath ever been one of the capital aims of the Church of Scotland. She hath banished all pomp and parade ; she hath endeavoured to turn the eyes of her members on the simplicity of the primitive Church ; and to her clergy she hath presented one single object, viz., that of labouring in their province with the utmost assiduity.

What measures in general she hath taken to promote this desirable end, it is not the purpose of the present inquiry to point out ; let it suffice for a little to consider what method of admitting men to the ministerial office is most conducive to this design.

If we are to consider matters in a theoretical view, without any regard to positive institutions, we may expect, that the man to whom the people are willing to listen for instruction, is of all others the most proper for conveying instruction to them, provided he is capable of doing so ; or, if such a man cannot be found, he to whom the people show the least aversion to listen, is, *cæteris paribus*, preferable to any other.

In the choice, then, of a pastor, two objects are to be kept in

view : the first, that he should be a man knowing in those doctrines he professes to teach, and capable of teaching them ; the other, that the people should be willing to receive instruction at his hands. If neither of these are the case, or if one of these requisites are awanting, his labours must be unavailing ; the people, for want of constant instruction, must degenerate in manners and in knowledge ; and the clergyman, instead of being an useful member of society, becomes a burden on the establishment, and an impediment to hinder others from performing that office of instruction which he is unable to perform.

Hence, the simplest and most eligible idea of settling a minister of the Established Church, seems to be the election of the people that are to be instructed, joined with a proper scrutiny into the abilities of the person who is chosen by them to be their instructor. A man who is ignorant himself, or who has not the powers of conveying instruction, whatever the ideas of the people concerning him may be, ought not to have this charge committed to him. If, upon trial, therefore, he is found insufficient, he ought to be rejected. On the other hand, let his knowledge and his powers be what they will, if those whom he ought to instruct will not listen to him, he labours in vain ; the people, therefore, ought not to have a man who is disagreeable to them forced upon them as their instructor.

Let us see how far the principles of the Church of Scotland adopt this theory, or justify it.

The total depravity which Popery introduced into every part of discipline, worship, and Church government, is well known. The Church of Rome was a fabric of political contrivance, tending to aggrandize the pontiff, and to enslave the Christian world ; its oppression had become intolerable, and our forefathers, by a spirited effort, threw off its yoke.

As the innovations of the Church of Rome, not only in worship and religious principles, but in Church government and discipline, had been numberless, and had been introduced, not at once, but by degrees, through a series of ages, our first Reformers had no other model by which they could form themselves in Church government and discipline, but that of the primitive Church in the age of the apostles. The Scripture they resolved to make the rule of their reformation throughout ; their principles of religion and their worship they gathered only thence ; and, in so far as it could aid them in government and in discipline, they followed no other rule.

In this state of things, it was natural for them to resort to the Scripture for a rule for admitting ministers. They there found,

that among the first acts of the Christian Church after our Saviour's death, an apostle was chosen, and he was chosen by the voice of all the disciples gathered together : this method, therefore, they seem to have adopted.

Accordingly, in the First Book of Discipline, which was drawn up at the Reformation, viz., about the year 1560, by some of those clergymen who had been most active reformers, in chap. 4, § 3, it is said, " The admission of ministers to their offices must consist in the consent of the people and church whereto they shall be appointed, and approbation of the learned ministers appointed for their examination." And in the Second Book of Discipline, which was authorised by the General Assembly 1578, the 3d chapter is entitled, " How the personnes that beir ecclesiastical functiones ar admitted to thair office." It is there said, " Vocation or calling is common to all that sould beir office within the kirk, quhilke is a lawful way ; be the quhilke qualifiet personnes ar promotit to any spiritual office within the kirk of God. Without this lawful calling, it was never leisum to any person to meddle with any function ecclesiastical. There are twa sorts of calling ; ane extraordinar, be God himself immediatelie, as war of the profetis and apostolis, quhilke in kirks establishit, and well already reformatit hes no place. The uther calling is ordinar, quhilke, besides the calling of God, and inward testimonie of a gude conscience, hes the lawful approbation and outward judgement of men, according to Godis word and order establishit in his kirk. Nane aucht to presume to enter in any office ecclesiasticall, without he have this testimony of a good conscience before God, who only knaws the hartis of men. This ordinar and outward calling has twa parts, election and ordination. Election is the chusing out of a person or persons maist abile to the office that vaikes, be the judgement of the elderschip, and consent of the congregation to whom the person or persons beis appointed. The qualities in general requisite in all them wha sould beir charge in the kirk, consist in soundnes of religion and godlyness of lyfe, according as they ar sufficiently set furth in the word. In this ordinar election it is to be eschewit, that na person be intrusit in ony of the offices of the kirk, contrar to the will of the congregation to whom they ar appointed, or without the voce of the eldership."

Such were the ideas of our first reformers, such the constitutions of our earliest assemblies. How surprising is it, then, to hear it sometimes asserted, that settlements by presentation are agreeable to the spirit of the original constitution of the Church of Scotland, and always were adopted under the Presbyterian

form of Church government, some short intervals only excepted ! A doctrine that has sometimes been openly avowed even in the presence of ecclesiastical judicatures.

Settlements by presentation, and rights of patronage, were unknown in the earlier ages of Christianity. The first mention we find of them is in two constitutions of Justinian, about the year 550 ; nor in the whole body of the civil law are they mentioned a third time ; even in these they are mentioned only in a cursory way.

The Romish Church itself was late of adopting them. She long affected to consider it as an impious absurdity, that laymen should be possessed of the power of chusing those who were to fill spiritual offices. It was the 12th century before the canon law gave admittance to patronage ; and then only in particular cases, and under very particular restrictions.

The Roman pontiff, however, at last began to feel his own interest concerned in establishing the right of patronage universally. The first ideas of advantage from patronage to the Church, was its having a tendency to increase the number and wealth of ecclesiastics, that right being then bestowed on those only who built and endowed churches. But at last it came to be established as a maxim, that a right of patronage was essential to every benefice ; and upon this footing, wherever a clear title did not appear, the pope assumed to himself the right of patronage ; by this means acquiring a great accession of power in the bestowing of ecclesiastical benefices.

At the Reformation, the right of patronage was found established in consequence of these principles of the Romish Church ; and it had been attended with many valuable privileges. The right to tithes, which now follows it, did not indeed then belong to it ; but a patron, by the canon law, had certain ecclesiastical privileges in that parish, the right of patronage of which belonged to him ; and in case of his becoming poor, and unable to maintain himself, he was entitled to an aliment out of the benefice ; he had likewise a right to retain the fruits during a vacancy.

This real and substantial interest of patrons in the benefices, was a sufficient reason for not abolishing the name of patronage altogether at the Reformation, as that would have tended to hurt the civil rights of those to whom patronages had belonged. The name, therefore, and the idea of a patron, is found for a long time after this in our statutes ; and as the idea of a patron, and a right of presentation, were not easily separated, the idea of a presentation is also retained ; yet so as that there is no clashing of the civil and ecclesiastical constitutions on this point.

We have before seen the idea of our first reformers about the settlement of ministers, viz., that they ought to be called or chosen by the people, or with their consent, and admitted by the learned ministers after examination.

In the year 1567, in that very Parliament which abolished Popery and established the Reformation, a statute entitled, “Admissioun of ministers; of laick patronages,” was made in the following words: “*Item*, It is statute and ordained be our Soveraine Lord, with advise of his dearest regent, and three estaitis of this present Parliament, That the examination and admission of ministers within this realme, be only in the power of the kirk now openlie and publickly professed within the samin: The presentation of laick patronages alwaies reserved to the just and auncient patrones; and that the patroun present an qualified persoun within sex moneths (after it may cum to his knawledge of the decease of him quha bruiked the benefice of before), to the superintendent of thay partis quhair the benefice lyes, or uthers havand commission of the kirk to that effect; otherwaies the kirk to have power to dispone the samin to ane qualifyed person for that time; providing, that in caice the patron present ane person qualified to his understanding, and failing of ane, ane uther, within the said sex moneths, and the said superintendent or commissioner of the kirk refusis to receive and admit the person presented be the patron, as said is, it sall be lesum to the patron to appeale to the superintendent and ministers of that province quhair the benefice lyis, and desire the person presented to be admitted; quhilk gif they refuse, to appeale to the General Assemblie of this haill realm; be quhome the cause beand decyded, sall take end as thay decerne and declair.”

This statute is admirably calculated to conciliate the idea of a patron to the ecclesiastical ideas concerning the settlement of churches. The ecclesiastical courts are declared to have the sole jurisdiction in the settlements of ministers. The patron may indeed present, but the ecclesiastical courts may settle or not settle upon his presentation as they think fit. Hence, if the presentee is agreeable to the people, and they concur with the patron in desiring to have him settled, his settlement may proceed; but if the presentee happens to be disagreeable to the people, the law imposes no necessity on the ecclesiastical judicatories to settle him; on the contrary, they must proceed according to their own rules, and settle another; and under the authority of the statute, the settlement made by them must take effect.

The partisans of settlements by presentation hold another doctrine, and pretend, that the ecclesiastical judicatories can

only reject the presentee in case they find him unqualified. In favour of this argument, they quote the statute 1592, chap. 116, which ordains "all presentations to benefices to be direct to the particular presbyteries in all time cumming, with full power to give colation thereupon, and put ordour to all maters and causes ecclesiastical, within their boundes, according to the discipline of the kirk ; providing the foresaid presbyteries be bound and astricte to receive and admitt quhatsumever qualified minister presented be his majesty or laick patrons."

A very little attention, however, will discover, that this statute is not to be understood in the strict sense the friends of patronage contend ; and that no more is meant by these words, than that the presbytery shall not have it in their power to bestow the benefice, or civil right to the stipend, on any other person than the presentee, in case he is a qualified one. This is clear from a clause in the statute which immediately follows this one in the statute-book ; and which, though printed as a separate one, seems in reality to be only a part of the same statute. The clause is in these words : " Providing allwayes, in case the presbytery refuses to admit ony qualified minister presented to them be the patron, it sall be lauchfull to the patron to reteine the haill frutes of the said benefice in his awin hands."

The only alteration, then, that was made by these statutes, in the matter of settlements, was, that the patron should have a right to present a person properly qualified, who, if found so, and admitted, should not only have the spiritual office conferred on him, but should enjoy the stipend or civil fruits of the benefice. If the presentee, however, should be refused on any other footing than that of his being disqualified for the office, and another should be settled by the ecclesiastical judicatories, the person so settled should be understood to be vested in the spiritual office ; but the benefice might be considered by the patron as still vacant ; who therefore might retain it in his own hands, to be applied, like other vacant stipends, to pious uses.

By the statute 1649, chap. 39, presentations were abolished, and a call by the congregation, with trial and admission by the presbytery, were made the only requisites in the settlement of a minister. But this statute, together with all that passed in that Parliament, was rescinded at the Restoration.

At the Revolution, Presbytery being re-established, patronage was again abolished, or rather the power of nomination was put into the hands of the heritors and elders, who were to propose a person to the congregation. The congregation might either assent or dissent ; but if they dissented, they were obliged to assign their reasons, the sufficiency of which was cognisable by

the presbytery ; who, consequently, by sustaining these reasons, might reject the presentee.

By the statute 1706, chap. 6, it is declared, “ That the form and purity of worship presently in use within this Church, and its Presbyterian Church government and discipline, that is to say, the government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterable.” This act is appointed to be a fundamental and essential condition of the Treaty of Union ; and in the Treaty itself, it is so declared to be. The natural meaning of this act plainly is, that the jurisdiction which resided in ecclesiastical courts should not be taken from them by a British Parliament. Hence, in the settlement of churches, they retain, and must always retain, the power that we have seen vested in them, of rejecting a presentee, even though qualified, and of conferring the ministerial office on another, though without the right of bestowing the stipend.

In fact, no attempt has been made to wrest this power out of their hands. For though, by the statute 10th of Queen Anne, chap. 12, the act 1690 was repealed, and the power thereby given to heritors and elders taken away, and the right of presentation restored to patrons, yet that right was not enlarged by that statute. It was restored precisely on the same footing that it had formerly stood. That statute enacts, “ That the foresaid act made in the year 1690, intituled, ‘ Act concerning patronages, in so far as the same relates to the presentation of ministers, by heritors, and others therein mentioned,’ be, and is hereby repealed and made void ; and that the aforesaid 15th act of the 5th session, and 13th act of the 6th session, of the first Parliament of King William, be, and are hereby likewise repealed and made void ; and that, in all time coming, the right of all and every patron or patrons to the presentation of ministers to churches and benefices, and the disposing of the vacant stipends to pious uses within the parish, be restored, settled, and confirmed to them ; the foresaid acts, or any other acts, statutes, or custom, to the contrary in any wise notwithstanding ; and that, from and after the 1st day of May 1712, it shall and may be lawful for her Majesty, her heirs, and successors, and for every other person or persons who have right to any patronage or patronages of any church or churches whatsoever, in any part of Great Britain called Scotland (and who have not made and subscribed a formal renunciation thereof under their hands), to present a qualified minister or ministers to any church or churches whereof they are patrons, which shall, after the said

1st May, happen to be vacant; and the presbytery of the respective bounds shall, and is hereby obliged to receive and admit in the same manner such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this act ought to have been admitted."

Hence the settlements of churches and the powers of patrons were brought back to the same footing on which they had stood before the act 1690; that is to say, the old statutes were made the rule. What the effect of these was, has already been seen.

Whoever would think properly on this subject, ought to understand this history of our law; without it, it is impossible to form a just idea of what the right of presentation really is, or what powers the ecclesiastical judicatories possess. Ignorance in this point has occasioned many blunders and false notions concerning these matters.

Whenever a settlement is talked of according to ecclesiastical ideas, while a presentation is in the field, it is common to represent it as rebellion against the laws, and as a collision of the ecclesiastical and civil powers; but when due attention is paid to what the law really is on this point, it will appear, that no such collision can happen; the ecclesiastical courts being left at full liberty to proceed according to their own rules; and the only effect that can be produced by settling another than the presentee being, that the stipend will remain vacant in the hands of the patron, in case the presentee is found to be a qualified person.

The idea of a qualified person, too, is generally misunderstood. The common opinion is, that he who has sufficient literature, and who can acquit himself upon his trials, is qualified; but a more accurate view of things will soon evince, that this notion is not a just one.

If a person who understood nothing but English should be presented to a parish where the whole inhabitants spoke nothing but Earse, would such a presentee be a qualified person? He would be utterly incapable for doing his duty in that place, though very well qualified for any charge in the low countries of Scotland. If a person incapable of much fatigue, and who is unable to travel to any considerable distance, should be presented to a wide and extensive parish, where the pastoral duty required a man to be perpetually moving about, such a man would surely be unqualified for such a charge, though he might make an excellent minister of a royal borough. From these, and many other instances that may be given, it will ap-

pear, that the question, whether a presentee is qualified or no ? is not confined within very narrow limits ; and must always depend upon the particular circumstances of the presentee and the parish. Wherever, from particular circumstances, a presentee appears unable to discharge the duty of the pastoral office, there he may justly be said to be disqualified.

It will often be a question of ecclesiastical expediency, whether a parish should remain vacant, or a particular presentee be settled ? as, for example, while either a large secession, or a general non-attendance on public worship by the people, appear to be the immediate consequence of the settlement of the presentee. When another candidate appears on the field besides the presentee, who is regularly called by the people, and who is willing to accept of the charge, the question of expediency seems to be at an end ; ecclesiastical rules point out what the determination ought to be.

The partisans of patronage have endeavoured on all occasions to point it out as a desirable thing. It is worth while to consider some of the arguments used in its favour.

We are told, that patronage is a right of which it is unjust to deprive men ; that it hath been originally acquired by the foundation and endowment of churches ; and that nothing is more reasonable, than that he who has created the benefice should be allowed to fill it ; that this right has been transmitted from the first founders and endowers to the present patrons, either by succession or purchase, and of consequence they are equally entitled to fill up the vacant benefices.

All arguments that assume principles of justice for their foundation deserve attention ; and, therefore, this one ought to be examined accurately.

It is true, the first origin of patronage seems to have proceeded from an idea of this kind, that he who founded and endowed a church, had a right to chuse a minister. But few rights of patronage will be found to have been thus acquired. By far the greater number were reared up by means of the maxim, that every church ought to have a patron ; and where the patron did not appear, the pope was entitled to present. In place of the pope, the king is now come ; and many patronages belonging to the Church in times of Popery and Episcopacy, have come into the hands of subjects. At this day, it is believed, throughout all Scotland but very few patrons could establish their right upon the footing of endowment.

As the stipends at present are paid altogether out of the teinds, there is no room for a claim of patronage on the footing of en-

dowment; so that, considering the present establishment of our Church, the argument for patronage drawn from this principle of justice is at an end.

There is, however, still a more solid argument behind. Patrons are now possessed of an ample equivalent for any claim of this sort. By the act 1649, in lieu of their right of patronage, a right to the teinds of the parish was given them; and as this ceased upon that act being rescinded, the same right was again given them by the act 1690. This right was reserved to them when patronages were restored by the statute 10th of Queen Anne; and they are in possession of the teinds at this hour, which were originally bestowed on them in lieu of their right of presentation. This alters the view of the case entirely; for, upon the principles of justice, they ought not to possess both the right of presentation, and the price of it.

Another topic commonly insisted on in behalf of patronage is, that a settlement made in consequence of a presentation alone is easy, expeditious, and quiet; whereas those made upon the footing of calls, are generally tedious and tumultuary.

This argument carries along with it the show of expediency; but when examined to the bottom, will not be found to have much solidity.

It will appear in a suspicious point of view, when this circumstance is considered, that ease, expedition and quietness, in the use of executive power, hath been the capital topic of the partisans of despotism and unlimited monarchy, who have likewise used as an argument against any more liberal form of government, the faction and tumult with which it is attended.

No human institution can be perfect. Let it be ever so complete in theory, in practice it will be attended with inconveniences; and that which is most calculated for the general good, must not be rejected merely because it has some disadvantages. Wrong ends may be pursued with ease, expedition, and quietness, while it requires some degree of disturbance to effectuate good ones.

If, upon the whole, the evil consequences of an absolute power of presentation are manifest, the ease, the expedition, and the quietness, with which those evil effects are produced, affords an additional argument against them; while, on the other hand, even that little stir which settlements by calls are apt to produce in a parish, will be found not to be without its beneficial effects. This may at first sight appear a paradox; but a very little attention will discover that it is true, and that it is to this chiefly that we owe those ideas of liberty that the lower class of mankind in Scotland feel.

By the ancient laws of Scotland, the same qualification entitled to a vote for a member of Parliament that at present is allowed of in England, viz., a forty-shilling land holding of the king.

But in the reign of Charles II, it was required, that the person claiming a vote for a member of Parliament should either have a forty-shilling land of old extent, that is, what had paid taxes as a forty-shilling land in the time of King Robert Bruce, or else lands that were valued in the cess-books at £400. As these, too, must hold of the king, and as by far the greater part of Scotland was held of subject-superiors, the electors for members of Parliament in counties were reduced to a very small number, the lower class of people being totally excluded.

In boroughs, the election of members of Parliament has always been made by the magistrates and town-council; so that the whole body of inhabitants of boroughs were excluded from any share in elections.

This mode of elections, instead of diffusing the spirit of liberty among the people, or making them sensible of their own political existence, tends rather to introduce aristocratical ideas, and so deprive the lower class of people of every feeling of liberty.

But in the call and election of ministers, the people felt their own weight; and the little struggles and disputes that happened on those occasions tended to rouse and excite some sense of liberty, and spirit for preserving it. The whole system of Presbyterian Church government tends to excite ideas of liberty, and to animate men with an affection for it.

The effects of this have been obvious. Every struggle for liberty in Scotland since the Reformation has been by Presbyterians. Under an administration favourable to liberty, they have ever been cherished and encouraged; while under governments of an opposite stamp, the utmost pains has been taken to oppress and destroy them. What the genuine ideas of Presbytery concerning settlements of ministers are, we have already seen.

The ease, expedition, and quiet, therefore, with which settlements are carried on in the way of presentation, and the tumult and stir incident to calls, when considered in a proper point of view, instead of affording an argument in favour of presentations, has quite the contrary tendency.

Another topic commonly resorted to in favour of presentations is, that the patron either resides in the parish, or, if he does not, he is ready to bestow his presentation on those that are recommended to him by the most respectable heritors; that he or they are better judges of the qualifications of a minister than the com-

monalty can be supposed to be ; and that from this circumstance we may expect, that abler men will be settled by the patron than will be called by the people : that the patron, if he resides within the parish, or if he does not, those whose recommendations he receives, will wish for a friend and a companion in their minister ; that they will therefore chuse men of worth, abilities, literature, and elegant accomplishments : that settlements being made in this manner, candidates for the ministry, instead of turning their attention on such arts as may gain the affection of the vulgar, and preaching in a manner calculated for them only, will apply themselves to such branches of learning as improve and polish the mind ; and thus the clergy of Scotland will in time become men of erudition and polite literature, and a more elegant and instructing style of preaching will take place.

These arguments are specious and plausible ; but, upon a closer inquiry, will be found to proceed upon facts assumed, without sufficient authority, or upon principles which sound policy will not sufficiently justify.

Experience has shown, and the more the right of patronage is insisted on experience will yet more strongly show, that neither the patron's own ideas of the qualifications of his presentee, nor the recommendation of residing heritors, are the motives which prevail universally in the bestowing of presentations. Private friendships, political and personal connections, pecuniary considerations, and many other motives, tend to sway the generality of patrons much sooner than these : nay, instances have not been awanting, where a patron, in order to show the plenitude of his power, hath presented the very man who was most disagreeable to the whole body of heritors and inhabitants. In many parts of Scotland, the landed interest have already felt this ; and if the right of patronage is insisted on with the same rigour that hath for some time been used, the whole country will sooner or later feel the weight of the yoke. This being the fact, already by experience demonstrated to be true, the whole fabric of fine reasoning, built by the friends of patronage upon another foundation, must fall to the ground.

But on the footing on which the friends of presentations argue, and supposing that the choice of the patron himself, or the recommendation of some of the residing heritors, is always to point out the presentee ; does it follow, that worth, abilities, literature, and fine accomplishments will command that choice or recommendation ? The choice of the patron will sometimes be determined by motives quite opposite to those that are wished for. Instead of a man of worth, abilities, literature, and know-

ledge, he may chuse a man of quite another character, as a companion in his pleasures, and an attendant in his recreations. It is seldom that either the patron or residing heritors have an opportunity of knowing personally the qualifications of a呈tee; perhaps they are not always competent judges of them; the one, therefore, must present, and the other recommend at random.

Laying, however, all these considerations out of the question, let us ask, whether the end proposed in this way of reasoning is such as to make the means eligible? Universal learning and elegant accomplishments are unquestionably desirable in every clergyman of the Church of Scotland; but though they are desirable, they are neither the only nor the principal objects that ought to be kept in view in the settlement of a minister.

The office of a minister is, to instruct all his parishioners, without distinction, in the principles of religion; to keep these perpetually before their eyes, and to press them home on their minds as the rule of their life and conduct.

In order to obtain this end, it is not only necessary that he should go through the public worship of God in the church, he must also dedicate much of his time and attention to his pastoral charge in private. He must catechise; he must visit; he must attend the sick; he must become the personal friend, and in some measure the companion of each of his parishioners; who are entitled to resort to him to have their difficulties removed, and their doubts cleared up, in matters of religion upon all occasions.

To qualify him for these duties, polite literature and elegant erudition will be of no use. Plain sense, a sincere heart, and a sufficient knowledge of practical divinity, are the chief requisites in a pastor; together with a competent knowledge of controversial divinity, in case a parish falls to his charge where Popery or schisms prevail.

Let it not, however, be understood, that learning of any kind is to be considered as a blemish in the character of a minister: on the contrary, it will enable him to raise his own reputation, and perhaps to be of considerable use to the public; but let it by no means enter into his pastoral character as an essential ingredient. In chusing a judge to administrate justice, or a physician to take care of the healths of the people, the chief qualifications that would be required would be, a consummate knowledge of the laws of his country in the one, and of the science of medicine in the other. A preference would not be bestowed in such a case on account of their being admirable

poets or eloquent orators. These qualities might aggrandize their personal reputation, but would not enable them to administrate justice or practise physic the better.

Such being the essential qualifications of a minister, it will rarely happen, that either patrons or principal heritors will be sufficient judges, from their own knowledge or experience alone, whether a candidate for a settlement possesses them or not; therefore they are perhaps the most improper persons of any to be possessed of the sole power of preferring one candidate to another. The middle rank of people are best qualified of any to judge of the talents of pastors; because, possessing some knowledge of their own, they are also able to feel those powers of instruction which are most apt to produce the greatest effects on the lower class. From them, too, we may learn, that species of preaching which is likely to prove most generally useful. Refinement and elegance often rises, not only beyond the ideas and conceptions of the vulgar, but so far above that style of language which they are accustomed to receive all their ideas in, that they do not easily comprehend the meaning of it, and it conveys ideas to them with the same imperfection and indistinctness, as a preacher who uses a foreign tongue would do, to an audience who had been taught to read and understand the language that he uses, but who had never been in use to speak it themselves, or to converse with those that spoke it. Hence, though in particular parishes, as, for example, in large towns, and in some country parishes, that style of preaching may be desirable; yet in remote parts of the country another style of preaching would be preferable, as being more instructive to the people, and better answering the ends of public worship. As the middle rank of people, then, seem so well qualified to judge of the talents of a pastor, it seems unreasonable totally to exclude them from a voice in chusing him.

Having thus taken a view of the topics chiefly insisted on in behalf of settlements by presentation, without a call or election, let us next consider some of the objections that appear most striking against that mode of settlement.

There are of established clergymen of the Church of Scotland 944. The rights of patronage to these benefices stand thus:—In the hands of the crown, 334; in the hands of the nobility, 309; in the hands of landed gentlemen, 233; in the hands of boroughs, 45 (of which more than one-half belong to Edinburgh and Glasgow); in the hands of colleges and universities, 18; in the hands of boroughs of barony, 2; and in the hands of heritors and elders, in consequence of the act 1690, and the reservation in that of 10th Anne, 3.

If it is once supposed a possible matter, that the exercise of the right of presentation may be perverted, so as to answer political purposes, what a fund of corruption in election matters may be found in patronage according to this state? It is a fact too certain, that presentations have been used in that way. Presentations have been given to the friends and relations of electors of members of Parliament to influence their votes in elections; and men to whom heritors were averse, and to whom they wished others to be preferred, have been presented to those parishes in which such heritors reside, merely to make them smart for giving a vote against the interest of the person who had influence enough to dispose of the presentation.

When it appears that the great weight of this influence over the election of members of the House of Commons is in the hands of the crown and of the nobility, the idea of settlements by presentations alone lays open to our view a political evil of a very serious nature.

It is likewise a possible thing, that patrons may turn the right of presentation to their own private emolument, and endeavour to draw a pecuniary advantage from it. Perhaps we will be told, that an attempt of that nature must be altogether unsuccessful; for that a thing of this kind would be a simonaical paction which the law holds to be void, and which, in ecclesiastical courts, will disqualify the candidate who could be capable of making it. But numberless devices will be fallen on to elude the law. The thing will be done without the knowledge of the candidate; consequently no blame can be laid on him, and it may even be done with safety to the contracting parties. Experience tells us, that those who chuse to act in this way find plausible pretexts. Have not those who wanted to present a friend to a benefice, bought the right of presentation, *pro hac vice*, from the patron for a sum of money, and then presented their friend? May not other devices of the same nature be fallen on by wadsetting a right of patronage, or selling it, reserving a power of redemption, either unlimited, or within a limited time.

To entitle a patron to exercise the right of presentation, it is not necessary he should be a member of the Established Church. Provided he is not a papist or a non-jurant, he may profess any other principles he pleases; and both papists and non-jurants find means to exercise the power of presentation, by conveying the right of patronage, *pro hac vice*, to a trustee, who will present any person they think proper to suggest. Thus, in the hands of a man zealous for principles or tenets disapproved of by the Established Church, the right of presentation is a dan-

gerous weapon against the establishment itself. If, in his choice of a presentee, he acts from religious motives at all, these will lead him to prefer a man of principles and tenets most similar to his own.

On the other hand, if the patron is a man who feels not religious motives; but who, on the contrary, contemns and disregards them; he may sometimes take a pride in presenting a man merely on account of his vice and immorality, or flagitious principles, which, though well enough known to the patron, may be covered from the eye of the public, so as to afford no objection to his settlement.

Experience, too, has told us, that some patrons are possessed of a spirit that leads them to an ostentatious use of their right. They will present a man, merely on account of his being generally disagreeable to the parish, in order that they may triumph over a general opposition, by forcing a settlement of their presentee in the end. A spirit such as this is perhaps productive of worse ecclesiastical effects than any of the evils already taken notice of. A man whose presentation has been procured by corruption or simony, may possibly be an useful minister; and a man of bad principles, or flagitious practice, as soon as these become public, and produce noxious effects, may be deposed: but when the minds of a whole parish are alienated from a presentee, and rankled by hardships imposed on the people, they are at the same time alienated from the Established Church, the presentee must become altogether useless as a minister, and schism, or else a total disregard and forgetfulness of religion, must ensue on the part of the people. If schism is the consequence, besides the bad ecclesiastical effects of it, the minds of the people are drawn off from their secular affairs, and a very considerable expense incurred, by building meeting-houses, and maintaining seceding ministers of various denominations, to the ruin and impoverishment of the lower class of people and their families, and the discouragement of industry and the improvement of the country.

Such being the baneful effects of settlements by presentations alone, untempered by any means to moderate them, a man who extends his thoughts beyond himself, and feels for the general good of his country, will be apt to consider what methods may be fallen on to prevent the ruinous consequences of this mode of settlement.

From the general view of our statutes respecting patronage already taken, it appears that settlements by absolute presentation are by no means required by the law; but that much is left in the power of the ecclesiastical judicatories, whose duty it is

to act by ecclesiastical rules, and whose discretionary powers ought to be regulated by ecclesiastical expediency.

In these circumstances, it will appear somewhat singular, that, for many years past, our ecclesiastical judicatories in general have been fond of pushing settlements by presentations alone, contrary to the desire and inclinations of the inhabitants of the parish ; and for this reason have not only accepted of very small concurrences, which came not up to the idea of a legal call, but have even allowed of such concurrences as had not the shadow of a call, being composed altogether of the voices of non-residents, or non-attendants on divine worship. Nay, it is even said, that some of the inferior judicatories of the Church have laid aside the form of a call altogether, and have settled upon a presentation alone, without requiring any thing farther.

There is, however, hardly any thing in human affairs so exquisitely bad, but in its consequences, at least, it is beneficial. These proceedings of the ecclesiastical judicatories have taken off those restraints by which patrons were formerly hampered ; and they, finding themselves more at liberty in the exercise of their will, have thrown off every covering ; of consequence we now see the evils of patronage more clearly than before, and feel upon what principles we may expect churches will be settled, if settlements are to be made by presentations alone.

Those evils, however, being discovered, it is to be hoped the ecclesiastical judicatories will begin to think of exerting the powers they possess ; at least, to moderate and allay them. If they chuse to use their powers properly, they can even totally remove them.

The ecclesiastical judicatories have it in their power narrowly to examine and to judge of the qualifications of a presentee. In this investigation it may very properly fall under their view, how far the presentee is qualified to exercise the pastoral office in the particular circumstances of that parish to which he is presented ; in which case, a variety of other inquiries, besides the common ones, into his skill in theology, &c., must be made. If the ecclesiastical judicatories reject him on account of his being unqualified, the patron cannot retain the stipend : he must either present another, or suffer the presbytery to settle *tanguam jure devoluto*.

The chief thing, however, that the ecclesiastical judicatories should pay attention to in this matter is, the fixing the requisites to be observed by themselves in every settlement. While these continue vague and undetermined, a great deal of confusion must happen. Were these once ascertained, much confusion may be avoided.

In particular, it would be proper to ascertain, with precision, what call or concurrence is necessary, as the foundation of the spiritual relation between a pastor and his flock.

Perhaps it may be thought, that a question here occurs, founded on matter of pure faith and theology, viz., Whether the people have a divine right to call their own minister or not? Whether this is a question of theology or not, it may perhaps be a delicate matter to determine. There are, however, many things which occur to the view of a layman, on which an argument may be founded, to show that, in the present state of the Church of Scotland, it is not so much an article of faith as a question of political arrangement, when applied to the settlement of a parochial pastor.

A popular or a congregational call has been considered as a thing derived from the highest authority, viz., the practice of the Christian Church immediately subsequent to the death of our Saviour, in the call of Matthias in the place of Judas, as one of the apostles. Upon an accurate examination of circumstances, however, it will be found, that no parallel can be drawn between the call of Matthias and the call of a parochial minister of the Established Church of Scotland.

The call of Matthias was a call by the whole Christian Church then existing; every disciple, and every follower of Christ, under that character alone, concurred in it; but the call of a parochial pastor must be very different from the call of an apostle. The opinion of the Christian Church cannot be expected. It must therefore be determined by the votes of a part of that Church only; and it is a question of some nicety, what part of that Church is to be considered as having a right to call.

In the present divisions of the Christian Church, into Latins, Greeks, and Reformed, and of the last into Lutherans, Calvinists, &c., we must confine our ideas to the call of a national Church, or, in other words, to a call of the Church of Scotland.

At the same time it will appear impracticable, that the whole members of the Church of Scotland should vote in the call of a minister to every particular parish. We must therefore necessarily limit the right of voting in a call by narrower bounds than those of the whole Church of Scotland; and if we are to limit them, there seems to be no medium between the voices of the whole members of the Church, and the voices of the members of that particular parish to which the minister is to be called.

The question, therefore, Who are to be understood the members of that particular parish? is a question that deserves to be answered with accuracy and precision; and in the solution of

which a number of connections and relations must be taken under consideration. One man will expect to be considered as a member because he resides within the parish. Another man because he is the head of a family, and may dismiss or receive servants at his pleasure, keep his children within his house, or send them abroad into the world as he thinks proper. A third will say that he is landlord ; that the property of the ground belongs to him ; and that it depended upon his will and pleasure, whether this head of a family ever resided within the parish or not, or when he will remove him. And a fourth will tell us, that he is a much more considerable heritor ; that he could divide his ground into more farms than another could do, and consequently introduce more heads of families, and more Christians, into the parish than a less extensive heritor. On this footing he will require, that more weight should be given him in the choice of a minister. And many will be found, who will tell us that they have liferent-tacks, or tacks for such a time as may be considered to be equal to a lifetime ; consequently have almost as permanent a connection with the parish as the heritors themselves. Amid these jarring claims, how are we to determine what is really a call from the parish ?

The act 1690, abolishing patronages, put the right of presentation into the hands of the heritors and elders. The heritors, it appears, were considered by the Legislature on that occasion to have been permanent parishioners, and as such entitled to call in their own right. The elders, again, or members of the kirk-session, seem to have been considered in a double point of view, viz., both as having a permanent relation to the parish in their ecclesiastical capacity as elders, and as the proper ecclesiastical representatives of the whole body of the people.

The act 1690, however, has been complained of by the heritors as imperfect. It gave a right to the heritors and elders to vote *per capita* ; and the number of elders being left indefinite, it is in the power of a kirk-session, on the prospect of a vacancy, to assume such a number of members as to put the power of calling a minister entirely in their own hand. The interest of heritors to vote being likewise left undefined by any particular qualification as to property, a man who has but a shilling a-year has as good a title to vote as the largest heritor in the parish. A superior and a vassal, too, being equally entitled to the name of heritors, the same property, by means of different subinfeudations, may give a title to many different persons to vote. Hence, by purchases of small bits of property and subinfeudations, the power of election may be taken out of the hands of real pro-

priests, and the call may be carried by a set of heritors created of purpose, whose titles are little else than nominal.

To prevent these inconveniences, many expedients have been suggested. One expedient proposed is, to limit the numbers of the kirk-session, so that they shall never have it in their power to put the call entirely into their hands; and at the same time to require, that an heritor, before he is admitted to vote, should show that he is vested in the actual property of lands which are valued in the cess-books at a determined sum, which would at once cut off the power of multiplying votes by means of subinfeudations, and purchases of inconsiderable property.

As the numbers of the members of a kirk-session ought not to be limited for any particular purpose, but ought to be greater or less, according to the number of parishioners and extent of the parish, this expedient seems an improper one; and as, in some parishes, the heritors are very few in number, at the same time that the parishioners are numerous, the power of calling a minister must, in all such cases, be entirely in the hands of the kirk-session.

In order to correct this, it hath been proposed to limit the number of votes belonging to the kirk-session, by allowing only so many of the senior elders to vote in a call. But this scheme is still defective, in so far, that without a particular attention to the circumstances of each parish, and varying the number of voters accordingly (which is a thing next to impracticable), the balance between the heritors and elders cannot be preserved.

From the view of these inconveniences, another expedient has been proposed, viz., That the call of a minister should be by the votes of delegates or commissioners, a certain number of delegates being chosen by the heritors, a certain number by the kirk-session, considered in their ecclesiastical capacity only, and not as representatives of the people, and a certain number by the parishioners. It hath likewise been proposed that the patron should be represented in this call, and have the nomination of some delegates in his power, in case he does not exercise his right of presentation.

This seems the most proper of all expedients. It bids fairest to remove every evil that hath been complained of, or figured to arise in calling ministers. It gives an opportunity for every person concerned to exercise a right, and is free from the tumult and disturbance which popular calls are sometimes attended with. As all different denominations of people would be represented in such a call, and as the delegates from the several bodies would be made acquainted with the sentiments of their constituents, it is highly probable that the most useful clergyman,

in the particular circumstances of each parish, would by this means be settled in it.

It is certainly in the power of the Church of Scotland, without applying to the Legislature, to adopt this or any other rule of settlement that may be suggested as a remedy against the evils arising from presentations; and in the present situation of things, a measure of this kind seems highly necessary.

In boroughs, such a scheme may take place, with some little variation. Delegates may be chosen by the kirk-session and the town-council alone; or, if thought proper, delegates may also be chosen by the proprietors of houses, by the burgesses, and by those who, though not burgesses, have resided a certain time within the borough; or any other plan may be fallen upon, to be varied according to the situation of particular boroughs.

Perhaps an application might be made to Parliament to abolish the right of presentations altogether; and there is no question but, could this be procured, it would be the most effectual of all remedies. But such an application ought not rashly to be made. If the whole landed interest of Scotland, upon feeling at last that patronage is a grievance that has the heaviest effects on them, would concur in such an application, it may be made with a probability of success; but without such a concurrence it ought not to be attempted; for one effort proving unsuccessful, will discourage any attempts afterwards. In the meantime, it seems the duty of the ecclesiastical powers to pursue those measures that are within their own reach, to alleviate at least, if they cannot totally remove, the grievance of patronage.

THE END.

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